



House of Representatives

File No. 619

General Assembly

January Session, 2021

(Reprint of File No. 461)

Substitute House Bill No. 6321
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 28, 2021

AN ACT CONCERNING ADOPTION AND IMPLEMENTATION OF THE CONNECTICUT PARENTAGE ACT.

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. (NEW) (*Effective January 1, 2022*) Sections 1 to 86, inclusive,
2 of this act, may be cited as the Connecticut Parentage Act.

3 Sec. 2. (NEW) (*Effective January 1, 2022*) As used in sections 1 to 86,
4 inclusive, of this act:

5 (1) "Acknowledged parent" means a person who has established a
6 parent-child relationship under sections 24 to 35, inclusive, of this act.

7 (2) "Adjudicated parent" means a person who has been adjudicated
8 to be a parent of a child by a court of competent jurisdiction.

9 (3) "Alleged genetic parent" means a person who is alleged to be, or
10 alleges that the person is, a genetic parent or possible genetic parent of
11 a child whose parentage has not been adjudicated. "Alleged genetic

12 parent" includes an alleged genetic father and alleged genetic mother.

13 "Alleged genetic parent" shall not include:

14 (A) A presumed parent;

15 (B) A person whose parental rights have been terminated or declared
16 not to exist; or

17 (C) A donor.

18 (4) "Assisted reproduction" means a method of causing pregnancy
19 other than sexual intercourse. "Assisted reproduction" includes:

20 (A) Intrauterine, intracervical or vaginal insemination;

21 (B) Donation of gametes;

22 (C) Donation of embryos;

23 (D) In-vitro fertilization and transfer of embryos; and

24 (E) Intracytoplasmic sperm injection.

25 (5) "Birth" includes stillbirth.

26 (6) "Child" means a person of any age whose parentage may be
27 determined under sections 1 to 86, inclusive, of this act.

28 (7) "Child support agency" means the Office of Child Support
29 Services within the Department of Social Services, established pursuant
30 to section 17b-179 of the general statutes, as amended by this act, and
31 authorized to administer the child support program mandated by Title
32 IV-D of the Social Security Act, 42 USC 651 et seq., as amended from
33 time to time.

34 (8) "Determination of parentage" means establishment of a parent-
35 child relationship by a court adjudication or signing of a valid
36 acknowledgment of parentage under sections 24 to 35, inclusive, of this
37 act.

38 (9) "Donor" means a person who provides a gamete or gametes or an
39 embryo or embryos intended for use in assisted reproduction, whether
40 or not for consideration. "Donor" shall not include:

41 (A) A person who gives birth to a child conceived by assisted
42 reproduction, except as provided in sections 60 to 77, inclusive, of this
43 act; or (B) A parent under sections 51 to 59, inclusive, of this act, or an
44 intended parent under sections 60 to 77, inclusive, of this act.

45 (10) "Gamete" means a sperm or egg and includes any part of a sperm
46 or egg.

47 (11) "Embryo" means a cell or group of cells containing a diploid
48 component of chromosomes or a group of such cells, not including a
49 gamete, that has the potential to develop into a live human being if
50 transferred into the body of a person under conditions in which
51 gestation may be reasonably expected to occur.

52 (12) "Genetic testing" means an analysis of genetic markers to identify
53 or exclude a genetic relationship.

54 (13) "Intended parent" means a person, married or unmarried, who
55 manifests an intent to be legally bound as a parent of a child conceived
56 by assisted reproduction.

57 (14) "Parent" means a person who has established a parent-child
58 relationship under section 19 of this act.

59 (15) "Parentage" or "parent-child relationship" means the legal
60 relationship between a child and a parent of the child.

61 (16) "Person" means a natural person of any age.

62 (17) "Presumed parent" means a person who under section 36 of this
63 act is presumed to be a parent of a child, unless the presumption is
64 overcome in a judicial proceeding.

65 (18) "Record" means information that is inscribed on a tangible

66 medium or that is stored in an electronic or other medium and is
67 retrievable in perceivable form.

68 (19) "Sign" means, with present intent to authenticate or adopt a
69 record:

70 (A) To execute or adopt a tangible symbol; or

71 (B) To attach to or logically associate with the record an electronic
72 symbol, sound or process.

73 (20) "Signatory" means a person who signs a record.

74 (21) "State" means a state of the United States, the District of
75 Columbia, Puerto Rico, the United States Virgin Islands or any territory
76 or insular possession under the jurisdiction of the United States. "State"
77 includes a federally recognized Indian tribe.

78 (22) "Transfer" means a procedure for assisted reproduction by which
79 an embryo or sperm is placed in the body of the person who will give
80 birth to the child.

81 (23) "Witnessed" means that at least one person who is authorized to
82 sign has signed a record to verify that the person personally observed a
83 signatory sign the record.

84 Sec. 3. (NEW) (*Effective January 1, 2022*) (a) Sections 1 to 86, inclusive,
85 of this act apply to a determination of parentage.

86 (b) Sections 1 to 86, inclusive, of this act do not create, affect, enlarge
87 or diminish the equitable powers of the courts of this state or parental
88 rights or duties under the law of this state other than this act.

89 Sec. 4. (NEW) (*Effective January 1, 2022*) The court shall apply the law
90 of this state to determine parentage. The applicable law shall not depend
91 on: (1) The place of birth of the child; or (2) the past or present residence
92 of the child.

93 Sec. 5. (NEW) (*Effective January 1, 2022*) (a) Petitions to adjudicate
94 parentage shall be filed in the Family Division of the Superior Court,
95 except that: (1) Petitions by an alleged genetic parent seeking to establish
96 the alleged genetic parent's parentage pursuant to section 46b-172a of
97 the general statutes, as amended by this act, shall be filed in the Probate
98 Court; (2) petitions to determine parentage after the death of the child
99 or the person whose parentage is to be determined shall be filed in the
100 Probate Court; (3) petitions for parentage orders under sections 59, 70
101 and 74 of this act, as well as petitions to validate a genetic surrogacy
102 agreement under sections 72 and 75 of this act, shall be filed in the
103 Probate Court; and (4) petitions by the IV-D agencies, in IV-D cases, as
104 defined in section 46b-231 of the general statutes, as amended by this
105 act, and in petitions brought under sections 46b-301 to 46b-425,
106 inclusive, of the general statutes, shall be filed with the clerk for the
107 Family Support Magistrate Division.

108 (b) If the petition is filed by the Office of Child Support Services of
109 the Department of Social Services, the petition shall be accompanied by
110 an affidavit of the parent whose rights have been assigned. In cases
111 where the assignor refuses to provide an affidavit, the affidavit may be
112 submitted by the Office of Child Support Services, provided the
113 affidavit alone shall not support a default judgment on the issue of
114 parentage.

115 (c) There shall be no right to a jury trial in an action to adjudicate
116 parentage.

117 (d) A petition filed in the Superior Court or the Family Support
118 Magistrate Court to adjudicate parentage may be brought any time prior
119 to the child's eighteenth birthday, provided liability for support of such
120 child shall be limited to the three years next preceding the date of the
121 filing of any such petition.

122 Sec. 6. (NEW) (*Effective January 1, 2022*) Subject to the provisions of
123 sections 1 to 86, inclusive, of this act, a proceeding to adjudicate
124 parentage may be maintained by: (1) The child, if the child is eighteen

125 years of age or older or, if the child is a minor, through a representative
126 of the child; (2) the person who gave birth to the child, unless a court
127 has adjudicated that such person is not a parent; (3) a person who is a
128 parent of the child under sections 1 to 86, inclusive, of this act; (4) a
129 person who seeks to be adjudicated a parent under the provisions of
130 sections 1 to 86, inclusive, of this act; (5) the Department of Social
131 Services; (6) the Department of Children and Families; (7) a person
132 deemed by the court to have a sufficient interest to file a claim for
133 parentage on behalf of a deceased parent; or (8) a representative
134 authorized by the law of this state, other than sections 1 to 86, inclusive,
135 of this act, to act for a person who otherwise would be entitled to
136 maintain a proceeding but is deceased, incapacitated or a minor.

137 Sec. 7. (NEW) (*Effective January 1, 2022*) (a) Notice of a proceeding to
138 adjudicate parentage shall be given, by the petitioner for proceedings in
139 the Superior Court and by the Court for proceedings in the Probate
140 Court, to the following persons: (1) The person who gave birth to the
141 child, unless a court has adjudicated that such person is not a parent; (2)
142 a presumed, acknowledged or adjudicated parent of the child; (3) a
143 person whose parentage of the child is to be adjudicated; (4) a
144 representative authorized by the law of this state to act for a person who
145 otherwise would be entitled to maintain a proceeding but is deceased,
146 incapacitated or a minor; (5) the fiduciary of an estate of deceased
147 persons otherwise entitled to notice; (6) in proceedings involving a
148 public assistance recipient, the Attorney General, who shall be and
149 remain a party to any parentage proceeding and to any proceedings
150 after judgment in such action; and (7) the Commissioner of Children and
151 Families, in proceedings involving a child for whom a petition has been
152 filed pursuant to section 46b-129 of the general statutes, as amended by
153 this act, and who is under the care and custody or guardianship of the
154 Department of Children and Families.

155 (b) A person entitled to notice under subsection (a) of this section has
156 a right to intervene in the proceeding.

157 (c) Failure to provide notice in accordance with subsection (a) of this

158 section shall not render a judgment void. Failure to provide notice in
159 accordance with subsection (a) of this section shall not preclude a person
160 entitled to notice under said subsection from bringing a proceeding
161 under sections 1 to 86, inclusive, of this act.

162 Sec. 8. (NEW) (*Effective January 1, 2022*) (a) A court may adjudicate a
163 person's parentage of a child only if the court has personal jurisdiction
164 over that person.

165 (b) A court of this state with jurisdiction to adjudicate parentage may
166 exercise personal jurisdiction over a nonresident person, or the guardian
167 or conservator of the person consistent with the laws of this state.

168 Sec. 9. (NEW) (*Effective January 1, 2022*) (a) Except as provided in
169 subsections (b) to (d), inclusive, of this section, venue for a proceeding
170 to adjudicate parentage is in the judicial district in which:

171 (1) The child resides; or

172 (2) If the child shall not reside in this state, the petitioner or
173 respondent resides.

174 (b) In actions filed in the Probate Court by an alleged genetic parent
175 seeking to establish the alleged genetic parent's parentage, the petition
176 shall be filed in the probate district where the child or birth parent
177 resides.

178 (c) In actions filed in the Probate Court to determine parentage after
179 the death of the child or the person whose parentage is to be determined,
180 the petition shall be filed in the probate district where the child,
181 petitioner, or person whose parentage is to be determined resides or
182 resided at the time of death.

183 (d) In actions filed in the Probate Court by persons seeking parentage
184 orders under sections 59, 70 and 74 of this act, or by persons seeking to
185 validate a genetic surrogacy agreement under sections 72 and 75 of this
186 act, the petition shall be filed in the probate district where the child or a
187 party to the proceeding resides.

188 (e) In IV-D cases, as defined in section 46b-231 of the general statutes,
189 as amended by this act, and in petitions brought under sections 46b-301
190 to 46b-425, inclusive, of the general statutes, venue for a proceeding to
191 adjudicate parentage is in the Family Support Magistrate Division
192 serving the judicial district where the parent who gave birth or the
193 alleged parent resides.

194 Sec. 10. (NEW) (*Effective January 1, 2022*) (a) In a proceeding under
195 sections 1 to 86, inclusive, of this act, a court may issue a temporary
196 order for child support if the order is consistent with the law of this state
197 other than the provisions of sections 1 to 86, inclusive, of this act, and
198 the person ordered to pay support is: (1) A presumed parent of the child;
199 (2) petitioning to be adjudicated a parent; (3) identified as a genetic
200 parent through genetic testing under section 47 of this act; (4) an alleged
201 genetic parent who has declined to submit to genetic testing; (5) shown
202 by clear and convincing evidence to be a parent of the child; or (6) a
203 parent under sections 1 to 86, inclusive, of this act.

204 (b) A temporary order may include a provision for custody and
205 visitation under the law of this state other than the provisions of sections
206 1 to 86, inclusive, of this act.

207 Sec. 11. (NEW) (*Effective January 1, 2022*) Except as provided in
208 sections 46b-129, 46b-129a and 46b-172a of the general statutes, as
209 amended by this act, a minor child is a permissive party but not a
210 necessary party to a proceeding under sections 1 to 86, inclusive, of this
211 act.

212 Sec. 12. (NEW) (*Effective January 1, 2022*) (a) For proceedings in the
213 Superior Court on family relations matters as described in section 46b-1
214 of the general statutes, there shall be a presumption that courtroom
215 proceedings shall be open to the public and that documents filed with
216 the court shall be available to the public. Closure of the courtroom in
217 family relations matters and the sealing of files and limited disclosure
218 of documents in family relations matters shall be in accordance with the
219 requirements prescribed in the Connecticut Practice Book.

220 (b) For proceedings in Juvenile Court, access to records is governed
221 by section 46b-124 of the general statutes.

222 (c) For proceedings in the Probate Court, members of the public may
223 observe proceedings and may view court records, unless otherwise
224 provided by law or directed by the court.

225 Sec. 13. (NEW) (*Effective January 1, 2022*) The court may dismiss a
226 proceeding under sections 1 to 86, inclusive, of this act for want of
227 prosecution only without prejudice. An order of dismissal for want of
228 prosecution purportedly with prejudice is void and has only the effect
229 of a dismissal without prejudice.

230 Sec. 14. (NEW) (*Effective January 1, 2022*) (a) An order adjudicating
231 parentage shall identify the child in a manner provided by the law of
232 this state other than sections 1 to 86, inclusive, of this act.

233 (b) Except as provided in subsection (c) of this section, the court may
234 assess filing fees, reasonable attorney's fees, fees for genetic testing,
235 other costs and necessary travel and other reasonable expenses incurred
236 in a proceeding under sections 1 to 86, inclusive, of this act. Attorney's
237 fees awarded under this subsection may be paid directly to the attorney,
238 and the attorney may enforce the order in the attorney's own name.

239 (c) The court may not assess fees, costs or expenses in a proceeding
240 under sections 1 to 86, inclusive, of this act against a child support
241 agency of this state or another state, except as provided by the law of
242 this state other than sections 1 to 86, inclusive, of this act.

243 (d) In a proceeding under sections 1 to 86, inclusive, of this act, a copy
244 of a bill for genetic testing or prenatal or postnatal health care for the
245 person who gave birth to the child or for the child, provided to the
246 adverse party not later than ten days before the date of a hearing, is
247 admissible to establish: (1) The amount of the charge billed; and (2) that
248 the charge is reasonable and necessary.

249 Sec. 15. (NEW) (*Effective January 1, 2022*) On request of a party and for

250 good cause, the court in a proceeding under sections 1 to 86, inclusive,
251 of this act may order the name of the child changed. If the court order
252 changing the child's name varies from the name on the child's birth
253 certificate, the court shall order the Department of Public Health to issue
254 an amended birth certificate.

255 Sec. 16. (NEW) (*Effective January 1, 2022*) (a) A party to an adjudication
256 of parentage by a court acting under circumstances that satisfy the
257 jurisdiction requirements of the applicable laws of this state, including
258 the provisions of this act, and any person who received notice of the
259 proceeding are bound by the adjudication.

260 (b) In a proceeding for dissolution of marriage, annulment or legal
261 separation, the court is deemed to have made an adjudication of
262 parentage of a child if the court acts under circumstances that satisfy the
263 jurisdictional requirements of the applicable laws of this state, including
264 the provisions of this act, and the final order: (1) Expressly identifies the
265 child as a "child of the marriage" or "issue of the marriage" or includes
266 similar words indicating that both spouses are parents of the child; or
267 (2) provides for support of the child by a spouse unless that spouse's
268 parentage is disclaimed specifically in the order.

269 (c) A determination of parentage may be asserted as a defense in a
270 subsequent proceeding seeking to adjudicate parentage of a person who
271 was not a party to the earlier proceeding.

272 (d) A party to an adjudication of parentage may challenge the
273 adjudication only under the law of this state other than the provisions
274 of sections 1 to 86, inclusive, of this act relating to appeal, opening or
275 setting aside judgments or other judicial review.

276 Sec. 17. (NEW) (*Effective January 1, 2022*) (a) If a child has an
277 adjudicated parent, a proceeding to challenge the adjudication, brought
278 by a person who was a party to the adjudication or received notice under
279 section 7 of this act, is governed by the Connecticut Practice Book and
280 other provisions of the general statutes concerning the opening or
281 setting aside of judgments.

282 (b) If a child has an adjudicated parent, the following rules apply to a
283 proceeding to challenge the adjudication of parentage brought by a
284 person, other than the child, who has standing under section 6 of this
285 act and was not a party to the adjudication and did not receive notice
286 under section 7 of this act:

287 (1) The person shall commence the proceeding not later than two
288 years after the effective date of the adjudication, unless the person did
289 not know and could not reasonably have known of the person's
290 potential parentage due to a material misrepresentation or concealment,
291 in which case the proceeding shall be commenced not later than one
292 year after the date of discovery of the person's potential parentage.

293 (2) The court may permit the proceeding only if the court finds
294 permitting the proceeding is in the best interest of the child.

295 (3) If the court permits the proceeding, the court shall adjudicate
296 parentage under section 23 of this act.

297 Sec. 18. (NEW) (*Effective January 1, 2022*) A proceeding under sections
298 1 to 86, inclusive, of this act is subject to the law of this state other than
299 said sections, which govern the health, safety, privacy and liberty of a
300 child or other person who could be affected by disclosure of information
301 that could identify the child or other person, including address,
302 telephone number, digital contact information, place of employment,
303 Social Security number and the child's day care facility or school.

304 Sec. 19. (NEW) (*Effective January 1, 2022*) A parent-child relationship
305 is established between a person and a child if:

306 (1) The person gives birth to the child, except as otherwise provided
307 in sections 60 to 77, inclusive, of this act;

308 (2) There is a presumption under subdivision (1) or (2) of subsection
309 (a) of section 36 of this act of the person's parentage of the child, unless
310 the presumption is overcome in a judicial proceeding;

311 (3) There is a presumption under subdivision (3) of subsection (a) of

312 section 36 of this act, and the person is adjudicated a parent of the child
313 or acknowledges parentage of the child under sections 24 to 35,
314 inclusive, of this act;

315 (4) The person is adjudicated a parent of the child under section 38 of
316 this act;

317 (5) The person is adjudicated a parent of the child under sections 40
318 to 50, inclusive, of this act;

319 (6) The person adopts the child;

320 (7) The person acknowledges parentage of the child under sections
321 24 to 35, inclusive, of this act, unless the acknowledgment is rescinded
322 under section 30 of this act or successfully challenged under section 31
323 of this act;

324 (8) The person's parentage of the child is established under sections
325 51 to 59, inclusive, of this act;

326 (9) The person's parentage of the child is established under sections
327 60 to 77, inclusive, of this act; or

328 (10) The court is deemed to have made an adjudication of parentage
329 pursuant to subsection (b) of section 16 of this act.

330 Sec. 20. (NEW) (*Effective January 1, 2022*) A parent-child relationship
331 extends equally to every child and parent, regardless of the marital
332 status or gender of the parent or the circumstances of the birth of the
333 child.

334 Sec. 21. (NEW) (*Effective January 1, 2022*) Unless parental rights are
335 terminated, a parent-child relationship established under sections 1 to
336 86, inclusive, of this act applies for all purposes.

337 Sec. 22. (NEW) (*Effective January 1, 2022*) To the extent practicable, a
338 provision of sections 1 to 86, inclusive, of this act applicable to a father-
339 child relationship or applicable to a mother-child relationship shall

340 apply to any parent-child relationship, regardless of the gender of the
341 parent.

342 Sec. 23. (NEW) (*Effective January 1, 2022*) (a) Except as provided in this
343 act, in a proceeding to adjudicate competing claims of parentage of a
344 child by two or more persons, the court shall adjudicate parentage in the
345 best interest of the child, based on:

346 (1) The age of the child;

347 (2) The length of time during which each person assumed the role of
348 parent of the child;

349 (3) The nature of the relationship between the child and each person;

350 (4) The harm to the child if the relationship between the child and
351 each person is not recognized;

352 (5) The basis for each person's claim to parentage of the child;

353 (6) Other equitable factors arising from the disruption of the
354 relationship between the child and each person, or the likelihood of
355 other harm to the child; and

356 (7) Any other factor the court deems relevant to the child's best
357 interests.

358 (b) If a person challenges parentage based on the results of genetic
359 testing, in addition to the factors listed in subsection (a) of this section,
360 the court shall consider:

361 (1) The facts surrounding the discovery that the person might not be
362 a genetic parent of the child; and

363 (2) The length of time between the time that the person was placed
364 on notice that the person might not be a genetic parent and the
365 commencement of the proceeding.

366 (c) The court may adjudicate a child to have more than two parents

367 under sections 1 to 86, inclusive, of this act if the court finds that failure
368 to recognize more than two parents would be detrimental to the child.
369 A finding of detriment to the child shall not require a finding of
370 unfitness of any parent or person seeking an adjudication of parentage.
371 In determining detriment to the child, the court shall consider all
372 relevant factors, including the harm if the child is removed from a stable
373 placement with a person who has fulfilled the child's physical needs and
374 psychological needs for care and affection and has assumed the role for
375 a substantial period.

376 (d) If a court has adjudicated a child to have more than two parents
377 under sections 1 to 86, inclusive, of this act, the law of this state other
378 than this act applies to determinations of legal and physical custody of,
379 or visitation with, such child, and to obligations to support such child.
380 The child support guidelines established pursuant to section 46b-215 of
381 the general statutes shall not apply until such guidelines have been
382 revised to address the circumstances when a child has more than two
383 parents, and until such revision is effective, a court of competent
384 jurisdiction shall consider the child support guidelines and the criteria
385 for such awards established in sections 46b-84 of the general statutes,
386 46b-86 of the general statutes, 46b-130 of the general statutes, 46b-171 of
387 the general statutes, as amended by this act, 46b-172 of the general
388 statutes, as amended by this act, 46b-215 of the general statutes, as
389 amended by this act, 17b-179 of the general statutes, and 17b-745 of the
390 general statutes in making or modifying orders of support of the child.

391 Sec. 24. (NEW) (*Effective January 1, 2022*) A person who gave birth to
392 a child and an alleged genetic parent of the child, a presumed parent
393 under section 36 of this act, or an intended parent under sections 51 to
394 59, inclusive, of this act may sign an acknowledgment of parentage to
395 establish the parentage of the child.

396 Sec. 25. (NEW) (*Effective January 1, 2022*) (a) An acknowledgment of
397 parentage under section 24 of this act shall:

398 (1) Be in a record signed by the person who gave birth to the child

399 and by the person seeking to establish a parent-child relationship, and
400 the signatures shall be attested by a notarial officer or witnessed;

401 (2) State that the child whose parentage is being acknowledged shall
402 not have another acknowledged or adjudicated parent or person who is
403 a parent of the child under sections 51 to 77, inclusive, of this act other
404 than the person who gave birth to the child;

405 (3) State that the child whose parentage is being acknowledged shall
406 not, at the time of signing, have a birth certificate identifying as a parent
407 a person other than the person who gave birth to the child or the person
408 acknowledging parentage;

409 (4) State that no action is pending in which the child's parentage is at
410 issue, unless all parties to the action agree to the establishment of the
411 signatory's parentage pursuant to the acknowledgment; and

412 (5) State that the signatories understand that the acknowledgment is
413 the equivalent of an adjudication of parentage of the child and that a
414 challenge to the acknowledgment is permitted only under limited
415 circumstances.

416 (b) An acknowledgment of parentage shall not be binding unless,
417 prior to the signing of any acknowledgment of parentage, the
418 signatories are given oral and written notice of the alternatives to, the
419 legal consequences of, and the rights and responsibilities that arise from
420 signing such acknowledgment.

421 (1) The notice to both signatories shall explain:

422 (A) The right to rescind the acknowledgment, as set forth in section
423 30 of this act, including the address where such notice of rescission
424 should be sent;

425 (B) That the acknowledgment cannot be challenged after sixty days,
426 except in court or before a family support magistrate upon a showing of
427 fraud, duress or material mistake of fact;

428 (C) That the acknowledgment of parentage may result in rights of
429 custody and visitation for the acknowledged parent, as well as a duty of
430 financial support from the acknowledged parent; and

431 (D) That, if the person acknowledging parentage is acknowledging
432 that they are the child's genetic parent, genetic testing is available to
433 establish parentage with a high degree of accuracy and, under certain
434 circumstances, at state expense; and if either person is not certain of the
435 child's genetic parentage as it pertains to the acknowledgment of
436 parentage, neither person should sign the form.

437 (2) The notice to the person acknowledging parentage shall include,
438 but not be limited to:

439 (A) Notice that the person will be liable for the child's financial and
440 medical support at least until the child's eighteenth birthday; that such
441 support shall be enforced by income withholding; and that failure to
442 provide such support could result in a civil or criminal court proceeding
443 being brought against the person.

444 (B) Notice that, if the person acknowledging parentage is
445 acknowledging that they are the child's genetic parent, that person has
446 the right to contest parentage, including the right to appointment of
447 counsel, a genetic test to determine parentage and a trial by the Superior
448 Court or a family support magistrate.

449 (c) An acknowledgment of parentage is void if, at the time of signing:

450 (1) A person, other than the person who gave birth to the child or the
451 person seeking to establish parentage, is an acknowledged or
452 adjudicated parent or a parent under sections 51 to 77, inclusive, of this
453 act;

454 (2) The child whose parentage is being acknowledged has a birth
455 certificate identifying as a parent a person other than the person who
456 gave birth to the child or the person acknowledging parentage; or

457 (3) An action is pending in which the child's parentage is at issue,

458 unless all parties to the action agree to the establishment of the
459 signatory's parentage pursuant to the acknowledgment.

460 Sec. 26. (NEW) (*Effective January 1, 2022*) (a) An acknowledgment of
461 parentage may be signed before or after the birth of the child, except that
462 an acknowledgment signed by a presumed parent under subdivision (3)
463 of subsection (a) of section 36 of this act may be signed only after the
464 presumption is satisfied.

465 (b) An acknowledgment of parentage takes effect on the birth of the
466 child or filing of the document with the Department of Public Health,
467 whichever occurs later.

468 (c) An acknowledgment of parentage signed by a minor is valid if the
469 acknowledgment complies with the provisions of sections 1 to 86,
470 inclusive, of this act.

471 Sec. 27. (NEW) (*Effective January 1, 2022*) Except as provided in section
472 31 of this act, an acknowledgment of parentage that complies with
473 sections 24 to 35, inclusive, of this act and is filed with the Department
474 of Public Health is equivalent to an adjudication by the Superior Court
475 of parentage of the child and confers on the acknowledged parent all
476 rights and duties of a parent.

477 Sec. 28. (NEW) (*Effective January 1, 2022*) The Department of Public
478 Health may not charge a fee for filing an acknowledgment of parentage.

479 Sec. 29. (NEW) (*Effective January 1, 2022*) A court conducting a judicial
480 proceeding or an administrative agency conducting an administrative
481 proceeding is not required or permitted to ratify an unchallenged
482 acknowledgment of parentage.

483 Sec. 30. (NEW) (*Effective January 1, 2022*) (a) A signatory may rescind
484 an acknowledgment of parentage by filing with the Department of
485 Public Health a rescission in a signed record that is attested by a notarial
486 officer or witnessed, before the earlier of:

487 (1) Sixty days after the effective date of the acknowledgment under

488 section 26 of this act; or

489 (2) The date of the first hearing before a court in a proceeding, to
490 which the signatory is a party, to adjudicate an issue relating to the child,
491 including a proceeding that establishes support.

492 (b) If an acknowledgment of parentage is rescinded under subsection
493 (a) of this section, the Department of Public Health shall notify the
494 person who gave birth to the child that the acknowledgment has been
495 rescinded. Failure to give the notice required by this subsection shall not
496 affect the validity of the rescission.

497 Sec. 31. (NEW) (*Effective January 1, 2022*) (a) After the period for
498 rescission under section 30 of this act expires, an acknowledgment of
499 parentage may be challenged only on the basis of fraud, duress or
500 material mistake of fact which, in cases in which the acknowledgment
501 has been signed by the birth parent and an alleged genetic parent, may
502 include evidence that the alleged genetic parent is not the genetic
503 parent. A party challenging an acknowledgment of parentage has the
504 burden of proof.

505 (b) Every signatory to an acknowledgment of parentage shall be
506 made a party to a proceeding to challenge the acknowledgment.

507 (c) By signing an acknowledgment of parentage, a signatory submits
508 to personal jurisdiction in this state in a proceeding to challenge the
509 acknowledgment, effective on the filing of the acknowledgment with
510 the Department of Public Health.

511 (d) During the pendency of a challenge to the acknowledgment of
512 parentage, any responsibilities, including the duty to pay child support,
513 arising from the acknowledgment shall continue except for good cause
514 shown.

515 (e) If the court or family support magistrate determines that the
516 challenger has met the challenger's burden of proof under subsection (a)
517 of this section, the acknowledgment of parentage shall be set aside only

518 if such court or family support magistrate determines that doing so is in
519 the best interest of the child, based on the relevant factors set forth in
520 section 23 of this act.

521 (f) If the court or family support magistrate determines that the
522 requirements of subsections (a) and (e) of this section are satisfied, the
523 court or family support magistrate shall order the Department of Public
524 Health to amend the birth record of the child to reflect the legal
525 parentage of the child.

526 (g) In cases involving a child who is or has been supported by the
527 state, whenever the court or family support magistrate finds that the
528 person challenging the acknowledgment of parentage is not a parent
529 because such person has met the burden of proof under subsections (a)
530 and (e) of this section, the Department of Social Services shall refund to
531 such person any money paid by such person to the state during any
532 period such child was supported by the state.

533 Sec. 32. (NEW) (*Effective January 1, 2022*) This state shall give full faith
534 and credit to an acknowledgment of parentage effective in another state
535 if the acknowledgment was in a signed record and otherwise complies
536 with the law of the other state.

537 Sec. 33. (NEW) (*Effective January 1, 2022*) (a) The Department of Public
538 Health shall prescribe forms for an acknowledgment of parentage. Such
539 forms shall include the minimum requirements specified by the
540 Secretary of the United States Department of Health and Human
541 Services, contained in 45 CFR 303.5, as amended from time to time, and
542 shall be in compliance with the provisions of this act. Any
543 acknowledgment or rescission executed in accordance with this
544 subsection shall be filed in the parentage registry established and
545 maintained by the Department of Public Health under section 19a-42a
546 of the general statutes, as amended by this act.

547 (b) A valid acknowledgment of parentage is not affected by a later
548 modification of the form under subsection (a) of this section.

549 Sec. 34. (NEW) (*Effective January 1, 2022*) The Department of Public
550 Health may release information relating to an acknowledgment of
551 parentage to a signatory of the acknowledgment, the child if such child
552 is eighteen years of age or older, a guardian of the person whose
553 parentage is acknowledged, an attorney representing a person to whom
554 such information may be released, a court, a federal agency, an
555 authorized representative of the Department of Social Services, the child
556 support agency of this state, any agency acting under a cooperative or
557 purchase of service agreement with the child support agency of this
558 state, and the child support agency of another state.

559 Sec. 35. (NEW) (*Effective January 1, 2022*) The Commissioner of Public
560 Health may adopt regulations in accordance with the provisions of
561 chapter 54 of the general statutes to implement the provisions of sections
562 24 to 34, inclusive, of this act.

563 Sec. 36. (NEW) (*Effective January 1, 2022*) (a) Except as otherwise
564 provided in sections 1 to 86, inclusive, of this act, a person is presumed
565 to be a parent of a child if:

566 (1) The person and the person who gave birth to the child are married
567 to each other and the child is born during the marriage, whether the
568 marriage is or could be declared invalid;

569 (2) The person and the person who gave birth to the child were
570 married to each other and the child is born not later than three hundred
571 days after the date on which the marriage is terminated by death,
572 dissolution or annulment, or after a decree of separation; or

573 (3) The person, jointly with another parent, resided in the same
574 household with the child and openly held out the child as the person's
575 own child from the time the child was born or adopted and for a period
576 of at least two years thereafter, including any period of temporary
577 absence.

578 (b) The parentage of a presumed parent under subdivision (3) of
579 subsection (a) of this section shall be established by a court adjudication

580 or signing of a valid acknowledgment of parentage under sections 24 to
581 35, inclusive, of this act.

582 (c) A presumption of parentage under this section may be overcome
583 only by court order under section 37 of this act, and competing claims
584 to parentage shall be resolved under section 23 of this act.

585 (d) For presumed parents who establish parentage by signing a valid
586 acknowledgment of parentage under sections 24 to 35, inclusive, of this
587 act, the attestations provided in the acknowledgment shall fully satisfy
588 the requirements of the presumption and no additional evidence shall
589 be required.

590 (e) In a proceeding pending before the Probate Court brought under
591 sections 45a-603 to 45a-622, inclusive, of the general statutes, and
592 sections 45a-715 to 45a-717, inclusive, of the general statutes, if notice is
593 given to a presumed parent under this section and such presumed
594 parent's parentage has not been established by a court adjudication or
595 signing of a valid acknowledgment of parentage under sections 24 to 35,
596 inclusive, of this act, the Probate Court shall have jurisdiction over the
597 presumed parent's parentage determination.

598 (f) In a proceeding pending before the civil session of the superior
599 court for juvenile matters, regarding a child for whom a petition under
600 section 46b-129 of the general statutes has been filed, a presumed parent
601 under subdivision (3) of subsection (a) of this section, identified as such
602 by an existing parent or by the child and not having established
603 parentage by a court adjudication or signing of a valid acknowledgment
604 of parentage under sections 24 to 35, inclusive, of this act, shall be given
605 notice of the proceeding, but shall not be treated as a parent until the
606 signing of a valid acknowledgment of parentage under sections 24 to 35,
607 inclusive, of this act, or a court adjudication that the person is a parent.
608 The juvenile court in which the petition under section 46b-129 of the
609 general statutes is pending shall have jurisdiction over such person's
610 parentage determination and the Department of Children and Families
611 shall have standing to request such parentage determination.

612 Sec. 37. (NEW) (*Effective January 1, 2022*) (a) A proceeding to
613 determine whether a presumed parent is a parent of a child may be
614 commenced: (1) Before the child reaches eighteen years of age; or (2)
615 after the child reaches eighteen years of age, but only if the child initiates
616 the proceeding.

617 (b) Except as provided in subsection (e) of this section, a presumption
618 of parentage under section 36 of this act cannot be overcome after the
619 child attains two years of age unless the court determines:

620 (1) The presumed parent is not a genetic parent, never resided with
621 the child, and never held out the child as the presumed parent's child;
622 or

623 (2) The child has more than one presumed parent; or

624 (3) The alleged genetic parent did not know of the potential genetic
625 parentage of the child and could not reasonably have known on account
626 of material misrepresentation or concealment, and the alleged genetic
627 parent commences a proceeding to challenge a presumption of
628 parentage under section 36 of this act not later than one year after the
629 date of discovering the potential genetic parentage. If the person is
630 adjudicated to be the genetic parent of the child, the court may not
631 disestablish a presumed parent.

632 (c) The following rules apply in a proceeding to adjudicate a
633 presumed parent's parentage of a child if the person who gave birth to
634 the child is the only other person with a claim to parentage of the child:

635 (1) If no party to the proceeding challenges the presumed parent's
636 parentage of the child, the court shall adjudicate the presumed parent
637 to be a parent of the child.

638 (2) If the presumed parent is identified under section 45 of this act as
639 a genetic parent of the child and that identification is not successfully
640 challenged under said section, the court shall adjudicate the presumed
641 parent to be a parent of the child.

642 (3) If the presumed parent is not identified under section 45 of this act
643 as a genetic parent of the child and the presumed parent or the person
644 who gave birth to the child challenges the presumed parent's parentage
645 of the child, the court shall adjudicate the parentage of the child in the
646 best interest of the child based on the factors under subsections (a) and
647 (b) of section 23 of this act.

648 (d) Subject to the limitations set forth in this section and section 36 of
649 this act, if in a proceeding to adjudicate a presumed parent's parentage
650 of a child, another person in addition to the person who gave birth to
651 the child asserts a claim to parentage of the child, the court shall
652 adjudicate parentage under section 23 of this act.

653 (e) A presumption of parentage under subdivision (3) of subsection
654 (a) of section 36 of this act, can be challenged if such other parent openly
655 held out the child as the presumed parent's child due to duress, coercion
656 or threat of harm. Evidence of duress, coercion or threat of harm may
657 include: (1) Whether within the ten-year period preceding the date of
658 the proceeding, the presumed parent: (A) Has been convicted of
659 domestic assault, sexual assault or sexual exploitation of the child or a
660 parent of the child; (B) has been convicted of a family violence crime, as
661 defined in section 46b-38a of the general statutes; (C) is or has been
662 subject to an order of protection pursuant to sections 46b-15, 46b-16a,
663 46b-38c, or 54-1k of the general statutes; (D) was found to have
664 committed abuse against the child or a parent of the child; or (E) was
665 substantiated for abuse against the child or a parent of the child; (2) a
666 sworn affidavit from a domestic violence counselor or sexual assault
667 counselor, as defined in section 52-146k of the general statutes, provided
668 the person who had confidential communications with the domestic
669 violence counselor or sexual assault counselor has waived the privilege,
670 in which case disclosure shall be made pursuant to section 52-146k of
671 the general statutes; or (3) other credible evidence of abuse against the
672 parent of the child or the child, including, but not limited to, the parent's
673 or child's sworn affidavit or an affidavit from a social service provider,
674 health care provider, clergy person, attorney, or other professional from
675 whom the parent or child sought assistance regarding the abuse.

676 Sec. 38. (NEW) (*Effective July 1, 2022*) (a) In a proceeding to adjudicate
677 parentage of a person who claims to be a de facto parent of the child, if
678 there is only one other person who is a parent or has a claim to parentage
679 of the child, the court shall adjudicate the person who claims to be a de
680 facto parent to be a parent of the child if the person demonstrates by
681 clear and convincing evidence that:

682 (1) The person resided with the child as a regular member of the
683 child's household for at least one year, unless the court finds good cause
684 to accept a shorter period of residence as a regular member of the child's
685 household;

686 (2) The person engaged in consistent caretaking of the child which
687 may include regularly caring for the child's needs and making day-to-
688 day decisions regarding the child individually or cooperatively with
689 another legal parent;

690 (3) The person undertook full and permanent responsibilities of a
691 parent of the child without expectation of financial compensation;

692 (4) The person held out the child as the person's child;

693 (5) The person established a bonded and dependent relationship with
694 the child that is parental in nature;

695 (6) Another parent of the child fostered or supported the bonded and
696 dependent relationship required under subdivision (5) of this
697 subsection; and

698 (7) Continuing the relationship between the person and the child is
699 in the best interest of the child.

700 (b) A parent of the child may use evidence of duress, coercion or
701 threat of harm to contest an allegation that the parent fostered or
702 supported a bonded and dependent relationship as described in
703 subdivision (6) of subsection (a) of this section. Such evidence may
704 include: (1) Whether within a ten-year period preceding the date of the
705 proceeding, the person seeking to be adjudicated a de facto parent: (A)

706 Has been convicted of domestic assault, sexual assault or sexual
707 exploitation of the child or a parent of the child; (B) has been convicted
708 of a family violence crime, as defined in section 46b-38a of the general
709 statutes; (C) is or has been subject to an order of protection pursuant to
710 sections 46b-15, 46b-16a, 46b-38c, or 54-1k of the general statutes; (D)
711 was found to have committed abuse against the child or a parent of the
712 child; or (E) was substantiated for abuse against the child or a parent of
713 the child; (2) a sworn affidavit from a domestic violence counselor or
714 sexual assault counselor, as defined in section 52-146k of the general
715 statutes, provided the person who had confidential communications
716 with the domestic violence counselor or sexual assault counselor has
717 waived the privilege, in which case disclosure shall be made pursuant
718 to section 52-146k of the general statutes; or (3) other credible evidence
719 of abuse against the parent of the child or the child, including, but not
720 limited to, the parent's or child's sworn affidavit or an affidavit from a
721 social service provider, health care provider, clergy person, attorney, or
722 other professional from whom the parent or child sought assistance
723 regarding the abuse.

724 (c) Subject to other limitations set forth in this section and section 39
725 of this act, if, in a proceeding to adjudicate parentage of a person who
726 claims to be a de facto parent of the child, there is more than one other
727 person who is a parent or has a claim to parentage of the child and the
728 court determines that the requirements of subsection (a) of this section
729 are satisfied, the court shall adjudicate parentage under section 23 of this
730 act, provided the adjudication of a person as a de facto parent under this
731 section shall not disestablish the parentage of any other parent, nor limit
732 any other parent's rights under the laws of this state.

733 Sec. 39. (NEW) (*Effective July 1, 2022*) (a) A proceeding to establish
734 parentage of a child under this section may be commenced only by a
735 person who: (1) Is alive when the proceeding is commenced; and (2)
736 claims to be a de facto parent of the child.

737 (b) A person seeking to be adjudicated a de facto parent of a child
738 shall file a petition with the court before the child reaches eighteen years

739 of age. The child is required to be alive at the time of the filing. The
740 petition shall include a verified affidavit alleging facts to support the
741 existence of a de facto parent relationship with the child. The petition
742 and affidavit shall be served on all parents and legal guardians of the
743 child and any other party to the proceeding.

744 (c) An adverse party, parent or legal guardian may file a pleading and
745 verified affidavit in response to the petition that shall be served on all
746 parties to the proceeding.

747 (d) The court shall determine on the basis of the pleadings and
748 affidavits whether the person seeking to be adjudicated a de facto parent
749 has presented prima facie evidence of the criteria for de facto parentage
750 as provided in subsection (a) of section 38 of this act and, therefore, has
751 standing to proceed with a parentage action. The court, in its sole
752 discretion, may hold a hearing to determine disputed facts that are
753 necessary and material to the issue of standing.

754 (e) If the child for whom the person is seeking to be adjudicated a de
755 facto parent has two parents at the time the petition is filed and there is
756 litigation pending between the parents at the time the petition is filed
757 regarding custody or visitation with respect to the child, a parent may
758 use evidence that the de facto parent action is being brought to interfere
759 improperly in the pending litigation in order to show that allowing the
760 action to proceed would not be in the child's best interests. Based on
761 such evidence, the court may determine that allowing the de facto
762 parent petition to proceed would not be in the best interests of the child
763 and may dismiss the petition without prejudice.

764 (f) The court may enter an interim order concerning contact between
765 the child and a person with standing seeking adjudication under this
766 section and section 38 of this act as a de facto parent of the child.

767 Sec. 40. (NEW) (*Effective January 1, 2022*) As used in sections 40 to 50,
768 inclusive, of this act:

769 (1) "Combined relationship index" means the product of all tested

770 relationship indices.

771 (2) "Ethnic or racial group" means, for the purpose of genetic testing,
772 a recognized group that a person identifies as the person's ancestry or
773 part of the ancestry or that is identified by other information.

774 (3) "Hypothesized genetic relationship" means an asserted genetic
775 relationship between a person and a child.

776 (4) "Probability of parentage" means, for the ethnic or racial group to
777 which a person alleged to be a parent belongs, the probability that a
778 hypothesized genetic relationship is supported, compared to the
779 probability that a genetic relationship is supported between the child
780 and a random person of the ethnic or racial group used in the
781 hypothesized genetic relationship, expressed as a percentage
782 incorporating the combined relationship index and a prior probability.

783 (5) "Relationship index" means a likelihood ratio that compares the
784 probability of a genetic marker given a hypothesized genetic
785 relationship and the probability of the genetic marker given a genetic
786 relationship between the child and a random person of the ethnic or
787 racial group used in the hypothesized genetic relationship.

788 Sec. 41. (NEW) (*Effective January 1, 2022*) (a) Sections 40 to 50,
789 inclusive, of this act govern genetic testing of a person in a proceeding
790 to adjudicate parentage, whether the person: (1) Voluntarily submits to
791 testing; or (2) is tested under an order of the court or a child support
792 agency.

793 (b) Genetic testing may not be used: (1) To challenge the parentage of
794 a person who is a parent under sections 51 to 77, inclusive, of this act; or
795 (2) to establish the parentage of a person who is a donor.

796 Sec. 42. (NEW) (*Effective January 1, 2022*) (a) Except as provided in
797 sections 40 to 50, inclusive, of this act, in any proceeding under sections
798 1 to 86, inclusive, of this act to adjudicate parentage, the court or a family
799 support magistrate shall order the child and any other person to submit

800 to genetic testing if a request for testing is supported by the sworn
801 statement of a party:

802 (1) Alleging a reasonable possibility that the person is the child's
803 genetic parent; or

804 (2) Denying genetic parentage of the child.

805 (b) A child support agency shall require genetic testing only if there
806 is no presumed, acknowledged or adjudicated parent of a child other
807 than the person who gave birth to the child.

808 (c) The court, a family support magistrate or child support agency
809 may not order in utero genetic testing.

810 (d) If two or more persons are subject to court-ordered genetic testing,
811 the court may order that testing be completed concurrently or
812 sequentially.

813 (e) Genetic testing of a person who gave birth to a child is not a
814 condition precedent to testing of the child and a person whose genetic
815 parentage of the child is being determined. If the person is unavailable
816 or declines to submit to genetic testing, the court may order genetic
817 testing of the child and each person whose genetic parentage of the child
818 is being adjudicated.

819 (f) In a proceeding to adjudicate the parentage of a child having a
820 presumed parent or a person who claims to be a parent under section 38
821 of this act, the court may deny a motion for genetic testing of the child
822 and any other person after considering the factors set forth in
823 subsections (a) and (b) of section 23 of this act.

824 (g) If a person requesting genetic testing is barred under section 17,
825 31, 37, 48 or 52 of this act from establishing the person's parentage, the
826 court shall deny the request for genetic testing.

827 (h) A default judgment may be ordered against a person who refuses
828 to submit to court-mandated genetic testing under this section and in

829 accordance with subsection (g) of section 46b-160 of the general statutes,
830 as amended by this act.

831 Sec. 43. (NEW) (*Effective January 1, 2022*) (a) Genetic testing shall be of
832 a type reasonably relied on by experts in the field of genetic testing and
833 performed in a testing laboratory accredited by:

834 (1) The AABB, formerly known as the American Association of Blood
835 Banks, or a successor to its functions; or

836 (2) An accrediting body designated by the Secretary of the United
837 States Department of Health and Human Services.

838 (b) A specimen used in genetic testing may consist of a sample or a
839 combination of samples of blood, buccal cells, bone, hair or other body
840 tissue or fluid. The specimen used in the testing need not be of the same
841 kind for each person undergoing genetic testing.

842 (c) Based on the ethnic or racial group of a person undergoing genetic
843 testing, a testing laboratory shall determine the databases from which
844 to select frequencies for use in calculating a relationship index. If a
845 person or a child support agency objects to the laboratory's choice, the
846 following rules apply:

847 (1) Not later than thirty days after the date of receipt of the report of
848 the test, the objecting person or child support agency may request the
849 court to require the laboratory to recalculate the relationship index
850 using an ethnic or racial group different from that used by the
851 laboratory.

852 (2) The person or the child support agency objecting to the
853 laboratory's choice under this subsection shall: (A) If the requested
854 frequencies are not available to the laboratory for the ethnic or racial
855 group requested, provide the requested frequencies compiled in a
856 manner recognized by accrediting bodies; or (B) engage another
857 laboratory to perform the calculations.

858 (3) The laboratory may use its own statistical estimate if there is a

859 question which ethnic or racial group is appropriate. The laboratory
860 shall calculate the frequencies using statistics, if available, for any other
861 ethnic or racial group requested.

862 (d) If, after recalculation of the relationship index under subsection
863 (c) of this section using a different ethnic or racial group, genetic testing
864 under section 45 of this act shall not identify a person as a genetic parent
865 of a child, the court may require a person who has been tested to submit
866 to additional genetic testing to identify a genetic parent.

867 Sec. 44. (NEW) (*Effective January 1, 2022*) (a) A report of genetic testing
868 shall be in a record and signed under penalty of perjury by a designee
869 of the testing laboratory. A report complying with the requirements of
870 sections 40 to 50, inclusive, of this act is self-authenticating.

871 (b) Documentation from a testing laboratory of the following
872 information is sufficient to establish a reliable chain of custody and
873 allow the results of genetic testing to be admissible without testimony:

874 (1) The name and photograph of each person whose specimen has
875 been taken;

876 (2) The name of the person who collected each specimen;

877 (3) The place and date each specimen was collected;

878 (4) The name of the person who received each specimen in the testing
879 laboratory; and

880 (5) The date each specimen was received.

881 Sec. 45. (NEW) (*Effective January 1, 2022*) (a) Subject to a challenge
882 under subsection (b) of this section, a person is identified under sections
883 40 to 50, inclusive, of this act as a genetic parent of a child if genetic
884 testing complies with said sections and the results of the testing disclose:
885 (1) The person has not less than a ninety-nine per cent probability of
886 parentage, using a prior probability of 0.50, as calculated by using the
887 combined relationship index obtained in the testing; and (2) a combined

888 relationship index of not less than one hundred to one.

889 (b) A person identified under subsection (a) of this section as a genetic
890 parent of the child may challenge the genetic testing results only by
891 other genetic testing satisfying the requirements of sections 40 to 50,
892 inclusive, of this act that:

893 (1) Excludes the person as a genetic parent of the child; or

894 (2) Identifies another person as a possible genetic parent of the child
895 other than: (A) The person who gave birth to the child; or (B) the person
896 identified under subsection (a) of this section.

897 (c) If more than one person other than the person who gave birth is
898 identified by genetic testing as a possible genetic parent of the child, the
899 court shall order each person to submit to further genetic testing to
900 identify a genetic parent.

901 Sec. 46. (NEW) (*Effective January 1, 2022*) Payment of the cost of initial
902 genetic testing shall be made in accordance with sections 46b-168 of the
903 general statutes, as amended by this act, and 46b-168a of the general
904 statutes, as amended by this act.

905 Sec. 47. (NEW) (*Effective January 1, 2022*) The court or the Office of
906 Child Support Services of the Department of Social Services may require
907 additional genetic testing on request of a person who contests the result
908 of the initial testing under section 45 of this act, provided if the initial
909 genetic testing under said section identified a person as a genetic parent
910 of the child, then no such additional testing shall be provided unless the
911 person who contests the result of the initial testing pays in advance for
912 the additional genetic testing.

913 Sec. 48. (NEW) (*Effective January 1, 2022*) (a) If in a proceeding to
914 determine whether an alleged genetic parent who is not a presumed
915 parent is a parent of a child and the person who gave birth to the child
916 is the only other person with a claim to parentage of the child, the court
917 shall adjudicate an alleged genetic parent to be a parent of the child if

918 the alleged genetic parent:

919 (1) Is identified under section 45 of this act as a genetic parent of the
920 child and the identification is not successfully challenged under said
921 section;

922 (2) Admits parentage in a pleading, when making an appearance, or
923 during a hearing, the court accepts the admission, and the court
924 determines the alleged genetic parent to be a parent of the child;

925 (3) Declines to submit to genetic testing ordered by the court or a
926 child support agency, in which case the court may adjudicate the alleged
927 genetic parent to be a parent of the child even if the alleged genetic
928 parent denies a genetic relationship with the child;

929 (4) Is in default after service of process and the court determines the
930 alleged genetic parent to be a parent of the child; or

931 (5) Is neither identified nor excluded as a genetic parent by genetic
932 testing and, based on other evidence, the court determines the alleged
933 genetic parent to be a parent of the child.

934 (b) Subject to the limitations set forth in sections 40 to 50, inclusive, of
935 this act, if, in a proceeding involving an alleged genetic parent, at least
936 one other person in addition to the person who gave birth to the child
937 has a claim to parentage of the child, the court shall adjudicate parentage
938 under section 23 of this act.

939 (c) If in a proceeding involving an alleged genetic parent, another
940 person other than the person who gave birth is a parent of the child, the
941 alleged genetic parent can seek a determination that such person is the
942 child's parent under section 23 of this act, in addition to the existing
943 parents. An adjudication of parentage under this subsection that the
944 alleged genetic parent is a parent shall not disestablish the parentage of
945 any other parent.

946 Sec. 49. (NEW) (*Effective January 1, 2022*) (a) Release of a report of
947 genetic testing for parentage is controlled by the law of this state other

948 than sections 1 to 86, inclusive, of this act.

949 (b) A person who intentionally releases an identifiable specimen of
950 another person collected for genetic testing under sections 42 to 54,
951 inclusive, of this act for a purpose not relevant to a proceeding regarding
952 parentage, without a court order or written permission of the person
953 who furnished the specimen, shall be fined not more than two hundred
954 dollars or imprisoned not more than six months, or both.

955 Sec. 50. (NEW) (*Effective January 1, 2022*) (a) Except as provided in
956 subsection (b) of section 41 of this act, the court shall admit a report of
957 genetic testing ordered by the court under section 42 of this act as
958 evidence of the truth of the facts asserted in the report.

959 (b) A party may object to the admission of a report described in
960 subsection (a) of this section, not later than fourteen days after the date
961 on which the party receives the report. The party shall cite specific
962 grounds for the objection to admission.

963 (c) A party that objects to the results of genetic testing may call a
964 genetic-testing expert to testify in person or by another method
965 approved by the court. Unless the court orders otherwise, the party
966 offering the testimony bears the expense for the expert testifying.

967 (d) Admissibility of a report of genetic testing is not affected by
968 whether the testing was performed: (1) Voluntarily or under an order of
969 the court or a child support agency; or (2) before, on or after
970 commencement of the proceeding.

971 Sec. 51. (NEW) (*Effective January 1, 2022*) Sections 51 to 59, inclusive,
972 of this act do not apply to the birth of a child conceived by sexual
973 intercourse or assisted reproduction under a surrogacy agreement
974 under sections 60 to 77, inclusive, of this act.

975 Sec. 52. (NEW) (*Effective January 1, 2022*) A donor is not a parent of a
976 child conceived by assisted reproduction by virtue of the donor's genetic
977 connection. A donor may not establish the donor's parentage by signing

978 an acknowledgment of parentage under sections 24 to 35, inclusive, of
979 this act.

980 Sec. 53. (NEW) (*Effective January 1, 2022*) A person who consents
981 under section 54 of this act to assisted reproduction by another person
982 with the intent to be a parent of a child conceived by the assisted
983 reproduction is a parent of the child.

984 Sec. 54. (NEW) (*Effective January 1, 2022*) (a) Except as provided in
985 subsection (b) of this section, the consent described in section 53 of this
986 act shall be in a record signed by a person giving birth to a child
987 conceived by assisted reproduction and a person who intends to be a
988 parent of the child.

989 (b) Failure to consent in a record as required by subsection (a) of this
990 section, before, on or after the date of birth of the child, shall not
991 preclude the court from finding consent to parentage if the person who
992 gave birth or the person who intends to be a parent of the child proves
993 by clear and convincing evidence the existence of an agreement that the
994 person and the person giving birth intended they both would be parents
995 of the child.

996 Sec. 55. (NEW) (*Effective January 1, 2022*) (a) Except as provided in
997 subsection (b) of this section, a person who, at the time of a child's birth,
998 is the spouse of the person who gave birth to the child by assisted
999 reproduction may not challenge the person's parentage of the child
1000 unless: (1) Not later than two years after the date of birth of the child,
1001 the person commences a proceeding to adjudicate the person's
1002 parentage of the child; and (2) the court finds the person did not consent
1003 to the assisted reproduction, before, on or after the date of birth of the
1004 child, or withdrew consent under section 57 of this act.

1005 (b) A proceeding to adjudicate a spouse's parentage of a child born
1006 by assisted reproduction may be commenced at any time if the court
1007 determines:

1008 (1) The spouse neither provided a gamete for, nor consented to, the

1009 assisted reproduction;

1010 (2) The spouse and the person who gave birth to the child have not
1011 cohabited since the probable time of assisted reproduction; and

1012 (3) The spouse never openly held out the child as the spouse's child.

1013 (c) This section shall apply to a spouse's dispute of parentage even if
1014 the spouse's marriage is declared invalid after assisted reproduction
1015 occurs.

1016 Sec. 56. (NEW) (*Effective January 1, 2022*) If a marriage of a person who
1017 gives birth to a child conceived by assisted reproduction is terminated
1018 through dissolution of marriage or annulment, or is subject to legal
1019 separation, before transfer of gametes or embryos to the person giving
1020 birth, a former spouse of the person giving birth is not a parent of the
1021 child unless the former spouse consented in a record that the former
1022 spouse would be a parent of the child if assisted reproduction were to
1023 occur after a dissolution of marriage, annulment or legal separation, and
1024 the former spouse did not withdraw consent under section 57 of this act.

1025 Sec. 57. (NEW) (*Effective January 1, 2022*) (a) A person who consents
1026 under section 54 of this act to assisted reproduction may withdraw
1027 consent at any time before a transfer that results in a pregnancy, by
1028 giving notice in a record of the withdrawal of consent to the person who
1029 agreed to give birth to a child conceived by assisted reproduction and
1030 to any clinic or health care provider facilitating the assisted
1031 reproduction. Failure to give notice to the clinic or health care provider
1032 shall not affect a determination of parentage under sections 1 to 86,
1033 inclusive, of this act.

1034 (b) A person who withdraws consent under subsection (a) of this
1035 section is not a parent of the child under sections 51 to 59, inclusive, of
1036 this act.

1037 Sec. 58. (NEW) (*Effective January 1, 2022*) (a) If a person who intends
1038 to be a parent of a child conceived by assisted reproduction dies during

1039 the period between the transfer of a gamete or embryo and the birth of
1040 the child, the person's death shall not preclude the establishment of the
1041 person's parentage of the child if the person otherwise would be a
1042 parent of the child under sections 1 to 86, inclusive, of this act.

1043 (b) If a person who consented in a record to assisted reproduction by
1044 a person who agreed to give birth to a child dies before a transfer of
1045 gametes or embryos, the deceased person is a parent of a child
1046 conceived by the assisted reproduction only if:

1047 (1) The person executed a written document that: (A) Specifically set
1048 forth that the person's gametes may be used for posthumous conception
1049 of a child, (B) specifically provided the person who agreed to give birth
1050 with authority to exercise custody, control and use of the gametes in the
1051 event of the person's death, and (C) was signed and dated by the person
1052 and the person who agreed to give birth; and

1053 (2) The embryo is in utero not later than one year after the date of the
1054 person's death.

1055 Sec. 59. (NEW) (*Effective January 1, 2022*) (a) A party consenting to
1056 assisted reproduction, a person who is a parent pursuant to sections 53
1057 to 55, inclusive, of this act, an intended parent or parents or the person
1058 giving birth may commence a proceeding to obtain an order:

1059 (1) Declaring that the intended parent or parents are the parent or
1060 parents of the resulting child immediately upon birth of the child and
1061 ordering that parental rights and responsibilities vest exclusively in the
1062 intended parent or parents immediately upon the birth of the child; and

1063 (2) Designating the contents of the birth certificate and directing the
1064 Department of Public Health to designate the intended parent or parents
1065 as the parent or parents of the resulting child.

1066 (b) A proceeding under this section may be commenced before or
1067 after the date of birth of the child, though an order issued before the
1068 birth of the resulting child does not take effect unless and until the birth

1069 of the resulting child. Nothing in this subsection shall be construed to
1070 limit the court's authority to issue other orders under any other
1071 provision of the general statutes.

1072 (c) Neither the state nor the Department of Public Health shall be a
1073 necessary party to a proceeding under this section.

1074 Sec. 60. (NEW) (*Effective January 1, 2022*) As used in sections 60 to 77,
1075 inclusive, of this act:

1076 (1) "Genetic surrogate" means a person who is not an intended parent
1077 and who agrees to become pregnant through assisted reproduction
1078 using that person's own gamete, under a genetic surrogacy agreement
1079 as provided in sections 60 to 77, inclusive, of this act.

1080 (2) "Gestational surrogate" means a person who is not an intended
1081 parent and who agrees to become pregnant through assisted
1082 reproduction using gametes that are not that person's own, under a
1083 gestational surrogacy agreement as provided in sections 60 to 77,
1084 inclusive, of this act.

1085 (3) "Surrogacy agreement" means an agreement between one or more
1086 intended parents and a person who is not an intended parent in which
1087 such person agrees to become pregnant through assisted reproduction
1088 and which provides that each intended parent is a parent of a child
1089 conceived under the agreement. Unless the context otherwise requires,
1090 "surrogacy agreement" includes an agreement with a person acting as a
1091 gestational surrogate and an agreement with a person acting as a genetic
1092 surrogate.

1093 Sec. 61. (NEW) (*Effective January 1, 2022*) (a) To execute an agreement
1094 to act as a gestational or genetic surrogate, a person shall:

1095 (1) Have attained twenty-one years of age;

1096 (2) Have previously given birth to at least one child;

1097 (3) Complete a medical evaluation related to the surrogacy

1098 arrangement by a licensed physician;

1099 (4) Complete a mental health evaluation by a licensed mental health
1100 professional;

1101 (5) Have independent legal representation of the surrogate's choice
1102 throughout the surrogacy agreement regarding the terms of the
1103 surrogacy agreement and the potential legal consequences of the
1104 agreement; and

1105 (6) Have or obtain a health insurance policy or other coverage for
1106 major medical treatment and hospitalization and such policy or other
1107 coverage shall be for a term that extends throughout the duration of the
1108 expected pregnancy and for eight weeks after the birth of the resulting
1109 child.

1110 (b) To execute a surrogacy agreement, each intended parent, whether
1111 or not genetically related to the child, shall:

1112 (1) Have attained twenty-one years of age;

1113 (2) Complete a mental health evaluation by a licensed mental health
1114 professional; and

1115 (3) Have independent legal representation of the intended parent's
1116 choice throughout the surrogacy agreement regarding the terms of the
1117 surrogacy agreement and the potential legal consequences of the
1118 agreement.

1119 Sec. 62. (NEW) (*Effective January 1, 2022*) A surrogacy agreement shall
1120 be executed in compliance with the following rules:

1121 (1) Not less than one party shall be a resident of this state.

1122 (2) The person acting as surrogate and each intended parent shall
1123 meet the requirements of section 61 of this act.

1124 (3) Each intended parent, the person acting as surrogate and the

1125 spouse, if any, of the person acting as the surrogate shall be parties to
1126 the agreement. If an intended parent is married, the intended parent's
1127 spouse shall also be an intended parent and a party to the agreement,
1128 unless the intended parent and the spouse are legally separated.

1129 (4) The agreement shall be in writing and signed by each party set
1130 forth in subdivision (3) of this section.

1131 (5) The person acting as surrogate and each intended parent shall
1132 acknowledge in writing their receipt of a copy of the agreement.

1133 (6) The signature of each party to the agreement shall be attested by
1134 a notarial officer or otherwise acknowledged and witnessed by two
1135 disinterested adults.

1136 (7) The person acting as surrogate and, if married, the spouse of the
1137 person acting as surrogate and the intended parent or parents shall have
1138 independent legal representation throughout the surrogacy agreement
1139 regarding the terms of the surrogacy agreement and the potential legal
1140 consequences of the agreement, and each counsel shall be identified in
1141 the surrogacy agreement. A single attorney for the person acting as
1142 surrogate and the person's spouse, if married, and a single attorney for
1143 the intended parents is sufficient to meet this requirement, provided the
1144 representation otherwise conforms to the Rules of Professional
1145 Conduct.

1146 (8) The intended parent or parents shall pay for independent legal
1147 representation for the person acting as surrogate and the person's
1148 spouse, if any.

1149 (9) If the agreement provides for the payment of compensation to the
1150 person acting as surrogate, the compensation shall be placed in an
1151 escrow account prior to the commencement of any medical procedure,
1152 other than medical and mental health evaluations required by section
1153 61 of this act.

1154 (10) The agreement shall be executed before a medical procedure

1155 occurs related to the surrogacy agreement, other than the medical and
1156 mental health evaluations required by section 61 of this act.

1157 Sec. 63. (NEW) (*Effective January 1, 2022*) (a) A surrogacy agreement
1158 shall comply with the following requirements:

1159 (1) A person acting as surrogate agrees to attempt to become
1160 pregnant by means of assisted reproduction.

1161 (2) Except as provided in sections 70, 74 and 75 of this act, the person
1162 acting as surrogate and the spouse or former spouse, if any, of the
1163 person acting as surrogate have no claim to parentage of a child
1164 conceived by assisted reproduction under the surrogacy agreement.

1165 (3) The spouse, if any, of the person acting as surrogate shall
1166 acknowledge and agree to comply with the obligations imposed on the
1167 surrogate by the surrogacy agreement.

1168 (4) Except as provided in sections 68, 71, 74 and 75 of this act, the
1169 intended parent or, if there are two intended parents, each one jointly
1170 and severally, immediately upon birth of the child shall be the exclusive
1171 parent or parents of the resulting child, regardless of the number of
1172 children born or the gender or mental or physical condition of each
1173 child.

1174 (5) Except as provided in sections 68, 71, 74 and 75 of this act, the
1175 intended parent or, if there are two intended parents, each parent jointly
1176 and severally, immediately upon birth of the resulting child shall
1177 assume responsibility for the financial support of the child, regardless
1178 of the number of children born or the gender or the mental or physical
1179 condition of each child.

1180 (6) The surrogacy agreement shall provide for payment by the
1181 intended parent or parents of reasonable legal, medical and ancillary
1182 expenses, including: (A) Premiums for a health insurance policy that
1183 covers medical treatment and hospitalization for the person acting as
1184 surrogate unless otherwise mutually agreed upon by the parties,

1185 pursuant to the terms of the surrogacy agreement; (B) payment of all
1186 uncovered medical expenses; (C) payment of legal fees for the legal
1187 representation of the person acting as surrogate; (D) payment of life
1188 insurance premiums; and (E) any other reasonable financial
1189 arrangements mutually agreed upon by the parties, including any
1190 applicable reimbursement and compensation schedule, pursuant to the
1191 terms of the surrogacy agreement.

1192 (7) The intended parent or parents are liable for the surrogacy-related
1193 expenses of the person acting as surrogate, including expenses for
1194 health care provided for assisted reproduction, prenatal care, labor and
1195 delivery and for the medical expenses of the resulting child that are not
1196 paid by insurance. This subdivision shall not be construed to supplant
1197 any health insurance coverage that is otherwise available to the person
1198 acting as surrogate or an intended parent for the coverage of health care
1199 costs. This subdivision shall not change the health insurance coverage
1200 of the person acting as surrogate or the responsibility of the insurance
1201 company to pay benefits under a policy that covers a person acting as
1202 surrogate.

1203 (8) The surrogacy agreement shall not infringe on the rights of the
1204 person acting as surrogate to make all health and welfare decisions
1205 regarding the person, the person's body and the person's pregnancy
1206 throughout the duration of the surrogacy arrangement, including
1207 during attempts to become pregnant, pregnancy, delivery and post-
1208 partum. The surrogacy agreement shall not infringe upon the right of
1209 the person acting as surrogate to autonomy in medical decision making
1210 by, including, but not limited to, requiring the person acting as
1211 surrogate to undergo a scheduled, nonmedically indicated caesarean
1212 section or to undergo multiple embryo transfer. Except as otherwise
1213 provided by law, any written or oral agreement purporting to waive or
1214 limit the rights described in this subdivision are void as against public
1215 policy.

1216 (9) The surrogacy agreement shall include information about each
1217 party's right under sections 60 to 77, inclusive, of this act to terminate

1218 the surrogacy agreement.

1219 (b) A surrogacy agreement may provide for: (1) The intended parent
1220 or parents to pay reasonable compensation to the person acting as
1221 surrogate; and (2) the intended parent or parents to pay for or reimburse
1222 reasonable expenses, including, but not limited to, medical, legal or
1223 other professional or necessary expenses related to the surrogacy
1224 agreement, including reimbursement of specific expenses if the
1225 agreement is terminated under sections 60 to 77, inclusive, of this act.

1226 (c) A right created under a surrogacy agreement is not assignable and
1227 there is no third-party beneficiary of the agreement other than the
1228 resulting child.

1229 Sec. 64. (NEW) (*Effective January 1, 2022*) Unless a surrogacy
1230 agreement expressly otherwise provides:

1231 (1) (A) The marriage of a person acting as surrogate after the
1232 surrogacy agreement is signed by all parties shall not affect the validity
1233 of the surrogacy agreement, (B) the consent of the spouse of the person
1234 acting as surrogate is not required, and (C) the spouse of the person
1235 acting as surrogate is not a presumed parent of a child conceived by
1236 assisted reproduction under the surrogacy agreement; and

1237 (2) The divorce, dissolution, annulment, declaration of invalidity,
1238 legal separation or separate maintenance of the person acting as
1239 surrogate after the surrogacy agreement is signed by all parties shall not
1240 affect the validity of the surrogacy agreement.

1241 Sec. 65. (NEW) (*Effective January 1, 2022*) Unless a surrogacy
1242 agreement expressly otherwise provides:

1243 (1) (A) The marriage of an intended parent after the agreement is
1244 signed by all parties shall not affect the validity of a surrogacy
1245 agreement, (B) the consent of the spouse of the intended parent is not
1246 required, and (C) the spouse of the intended parent is not, based on the
1247 surrogacy agreement, a parent of a child conceived by assisted

1248 reproduction under the surrogacy agreement; and

1249 (2) The divorce, dissolution, annulment, declaration of invalidity,
1250 legal separation or separate maintenance of an intended parent after the
1251 surrogacy agreement is signed by all parties shall not affect the validity
1252 of the surrogacy agreement and the intended parents are the parents of
1253 the child.

1254 Sec. 66. (NEW) (*Effective January 1, 2022*) During the period after the
1255 date of execution of a surrogacy agreement until the occurrence of the
1256 earlier of the date of termination of a surrogacy agreement pursuant to
1257 the agreement terms, or ninety days after the date of birth of a child
1258 conceived by assisted reproduction under the surrogacy agreement, a
1259 court of this state conducting a proceeding under sections 1 to 86,
1260 inclusive, of this act has exclusive, continuing jurisdiction over all
1261 matters arising out of the agreement. The provisions of this section do
1262 not give the court jurisdiction over a child custody proceeding or a child
1263 support proceeding if jurisdiction is not otherwise authorized by the law
1264 of this state other than the provisions of sections 1 to 86, inclusive, of
1265 this act.

1266 Sec. 67. (NEW) (*Effective January 1, 2022*) (a) A party to a gestational
1267 surrogacy agreement may terminate such agreement, at any time before
1268 an embryo transfer, by giving notice of termination in a record to all
1269 other parties. If an embryo transfer shall not result in a pregnancy, a
1270 party may terminate such agreement at any time before a subsequent
1271 embryo transfer, provided no party may terminate the agreement after
1272 an embryo transfer but prior to a pregnancy test at a time to be
1273 determined by a qualified healthcare provider.

1274 (b) Unless a gestational surrogacy agreement provides otherwise, on
1275 termination of such agreement under subsection (a) of this section, the
1276 parties are released from the agreement, except that each intended
1277 parent remains responsible for expenses that are reimbursable under the
1278 agreement and incurred by the person acting as gestational surrogate
1279 through the date of termination of the agreement.

1280 (c) Except in a case involving fraud, neither a person acting as
1281 gestational surrogate nor the spouse or former spouse of the person
1282 acting as surrogate, if any, is liable to the intended parent or parents for
1283 a penalty, including any costs incurred by intended parents, if any, for
1284 medical and psychological screening, or liquidated damages, for
1285 terminating a gestational surrogacy agreement under this section.

1286 Sec. 68. (NEW) (*Effective January 1, 2022*) (a) Except as provided in
1287 subsection (c) of this section, subsection (b) of section 69 of this act or
1288 section 71 of this act, upon birth of a child conceived by assisted
1289 reproduction under a gestational surrogacy agreement, each intended
1290 parent is, by operation of law, a parent of the resulting child.

1291 (b) Except as otherwise provided in subsection (c) of this section or
1292 section 71 of this act, neither a person acting as gestational surrogate nor
1293 the spouse or former spouse of the person acting as surrogate, if any, is
1294 a parent of the resulting child.

1295 (c) If a resulting child is alleged to be a genetic child of the person
1296 who agreed to be a gestational surrogate, the court shall, upon finding
1297 sufficient evidence, order genetic testing of the child, the cost of which
1298 shall be covered by the intended parent or parents. If the resulting child
1299 is a genetic child of the person who agreed to be a gestational surrogate,
1300 parentage shall be determined in accordance with the provisions of
1301 sections 1 to 50, inclusive, of this act.

1302 (d) Except as provided in subsection (c) of this section, subsection (b)
1303 of section 69 of this act or section 71 of this act, if, due to a clinical or
1304 laboratory error, a child conceived by assisted reproduction under a
1305 gestational surrogacy agreement is not genetically related to an
1306 intended parent or a donor who donated to the intended parent or
1307 parents, each intended parent, and not the gestational surrogate and the
1308 spouse or former spouse of the person acting as surrogate, if any, is a
1309 parent of the resulting child.

1310 Sec. 69. (NEW) (*Effective January 1, 2022*) (a) The provisions of section
1311 68 of this act shall apply to an intended parent even if the intended

1312 parent died during the period between the transfer of a gamete or
1313 embryo and the birth of the resulting child.

1314 (b) Except as provided in section 71 of this act, an intended parent is
1315 not a parent of a child conceived by assisted reproduction under a
1316 gestational surrogacy agreement if the intended parent dies before the
1317 transfer of a gamete or embryo unless:

1318 (1) The person executed a written document, which may include the
1319 surrogacy agreement, that: (A) Specifically set forth that the person's
1320 gametes may be used for posthumous conception of a child, (B)
1321 specifically provided the other intended parent with authority to
1322 exercise custody, control and use of the gametes in the event of the
1323 person's death, and (C) was signed and dated by the person and the
1324 other intended parent; and

1325 (2) The embryo is in utero not later than one year after the date of the
1326 person's death.

1327 Sec. 70. (NEW) (*Effective January 1, 2022*) (a) Except as provided in
1328 subsection (c) of section 68 of this act or section 71 of this act, a party to
1329 a gestational surrogacy agreement may initiate a proceeding for a
1330 judgment of parentage of a child conceived pursuant to the agreement
1331 at any time after the agreement has been executed by all of the parties.

1332 (b) The petition for a judgment of parentage shall include: (1)
1333 Certification from the attorney representing the intended parent or
1334 parents and the attorney representing the person acting as surrogate
1335 that the requirements of sections 61 to 63, inclusive, of this act have been
1336 met; and (2) a statement from all parties to the surrogacy agreement that
1337 they entered into the surrogacy agreement knowingly and voluntarily.
1338 The petition, including the certification and statement required by
1339 subdivisions (1) and (2) of this subsection, shall be submitted under
1340 penalty of false statement.

1341 (c) Neither the state nor the Department of Public Health, nor the
1342 hospital where delivery is expected to occur or does occur, is a necessary

1343 party to a proceeding under subsection (a) of this section.

1344 (d) Service of process may be waived if each party consents to waiver
1345 of service of process.

1346 (e) Upon a finding that the petition satisfies subsection (b) of this
1347 section, the court shall issue a judgment: (1) Declaring, that upon the
1348 birth of the child born during the term of the surrogacy agreement, any
1349 intended parent is a parent of the child and ordering that parental rights,
1350 duties and custody vest immediately on the birth of the child exclusively
1351 in any intended parent; (2) Declaring, that upon the birth of the child
1352 born during the term of the surrogacy agreement, the person acting as
1353 gestational surrogate and the spouse or former spouse of the person
1354 acting as surrogate, if any, are not the parents of the child; (3) Declaring
1355 that the intended parent or parents have responsibility for the
1356 maintenance and support of the child immediately upon the birth of the
1357 child; (4) Designating the contents of the certificate of birth in
1358 accordance with subsection (b) of section 7-48a of the general statutes,
1359 as amended by this act, and directing the Department of Public Health
1360 to designate any intended parent as a parent of the child; and (5) If
1361 necessary, ordering that the child be surrendered to the intended parent
1362 or parents. The court may issue an order or judgment under this
1363 subsection before or after the date of birth of the child. The court shall
1364 stay enforcement of the order or judgment until the birth of the child.
1365 Nothing in this subsection shall be construed to limit the court's
1366 authority to issue other orders under any other provision of the general
1367 statutes.

1368 (f) In the event the certification required by subdivision (1) of
1369 subsection (b) of this section cannot be made because of a technical or
1370 nonmaterial deviation from the requirements of sections 61 to 63,
1371 inclusive, of this act, the court may nevertheless enforce the agreement
1372 and issue a judgment of parentage if the court determines the agreement
1373 is in substantial compliance with the requirements of said sections.

1374 (g) An order under subsection (e) or (f) of this section shall be

1375 sufficient to satisfy the requirements in section 7-48a of the general
1376 statutes, as amended by this act, governing birth certificates.

1377 Sec. 71. (NEW) (*Effective January 1, 2022*) (a) A gestational surrogacy
1378 agreement that complies with sections 61 to 63, inclusive, of this act is
1379 enforceable.

1380 (b) If a child was conceived by assisted reproduction under a
1381 gestational surrogacy agreement that shall not comply with sections 61
1382 to 63, inclusive, of this act, the court shall determine the rights and
1383 duties of the parties to the agreement, taking into account evidence of
1384 the intent of the parties at the time of execution of the agreement. Each
1385 party to the agreement and any person who at the time of the execution
1386 of the agreement was a spouse of a party to the agreement has standing
1387 to maintain a proceeding to adjudicate an issue related to the
1388 enforcement of the agreement.

1389 (c) Except as expressly provided in a gestational surrogacy agreement
1390 or subsection (d) or (e) of this section, if the agreement is breached by
1391 the person acting as gestational surrogate or one or more intended
1392 parents, the nonbreaching party is entitled to the remedies available at
1393 law or in equity.

1394 (d) Specific performance is not a remedy available for breach by a
1395 person acting as gestational surrogate of a provision in the agreement
1396 that the person acting as gestational surrogate be impregnated,
1397 terminate or not terminate a pregnancy, or submit to medical
1398 procedures.

1399 (e) Except as provided in subsection (d) of this section, if an intended
1400 parent is determined to be a parent of the resulting child, specific
1401 performance is a remedy available for:

1402 (1) Breach of the agreement by a person acting as gestational
1403 surrogate that prevents the intended parent from exercising
1404 immediately upon birth of the child the full rights of parentage; or

1405 (2) Breach by the intended parent that prevents the intended parent's
1406 acceptance, immediately upon birth of the child conceived by assisted
1407 reproduction under the agreement, of the duties of parentage.

1408 Sec. 72. (NEW) (*Effective January 1, 2022*) (a) Except as otherwise
1409 provided in section 75 of this act, a genetic surrogacy agreement shall
1410 be validated by a Probate Court. A proceeding to validate the agreement
1411 shall be commenced before the assisted reproduction related to the
1412 surrogacy agreement.

1413 (b) Upon examination of the parties, the court shall issue an order
1414 validating a genetic surrogacy agreement if the court finds that:

1415 (1) Sections 61 to 63, inclusive, of this act are satisfied; and

1416 (2) All parties entered into the agreement voluntarily and understand
1417 its terms.

1418 (c) A person who terminates a genetic surrogacy agreement under
1419 section 73 of this act shall file notice of the termination with the court.
1420 On receipt of the notice, the court shall vacate any order issued under
1421 subsection (b) of this section. A person who shall not notify the court of
1422 the termination of the agreement shall be subject to sanctions.

1423 Sec. 73. (NEW) (*Effective January 1, 2022*) (a) A party to a genetic
1424 surrogacy agreement may terminate the agreement as follows:

1425 (1) An intended parent or person acting as genetic surrogate who is a
1426 party to the agreement may terminate the agreement at any time before
1427 a gamete or embryo transfer by giving notice of termination in a record
1428 to all other parties. If a gamete or embryo transfer does not result in a
1429 pregnancy, a party may terminate the agreement at any time before a
1430 subsequent gamete or embryo transfer, provided no party may
1431 terminate the agreement after a gamete or embryo transfer but prior to
1432 a pregnancy test at a time to be determined by a qualified healthcare
1433 provider. The notice of termination shall be attested by a notarial officer
1434 or witnessed.

1435 (2) Upon sending the notice of termination, the sending party or
1436 parties to the genetic surrogacy agreement shall not undertake any
1437 medical procedure contemplated under the terms of the agreement.
1438 Upon receiving the notice of termination, the receiving party or parties
1439 to the genetic surrogacy agreement shall not undertake any medical
1440 procedure contemplated under the terms of the agreement.

1441 (3) An intended parent or person acting as genetic surrogate who
1442 terminates the agreement after the court issues an order validating the
1443 agreement under section 72 or 75 of this act, but before the person acting
1444 as genetic surrogate becomes pregnant by means of assisted
1445 reproduction, shall also file notice of the termination with such court.

1446 (b) On termination of the genetic surrogacy agreement, the parties are
1447 released from all obligations under the agreement, except that any
1448 intended parent remains responsible for all expenses incurred by the
1449 person acting as genetic surrogate through the date of termination of the
1450 agreement that are reimbursable under the agreement. Unless the
1451 agreement provides otherwise, the person acting as surrogate is not
1452 entitled to any nonexpense-related compensation paid for serving as a
1453 surrogate.

1454 (c) Except in a case involving fraud, neither a person acting as genetic
1455 surrogate nor the spouse or former spouse of the person acting as
1456 surrogate, if any, is liable to the intended parent or parents for a penalty
1457 or liquidated damages, for terminating a genetic surrogacy agreement
1458 under this section.

1459 Sec. 74. (NEW) (*Effective January 1, 2022*) (a) Upon birth of a child
1460 conceived by assisted reproduction under a genetic surrogacy
1461 agreement validated under section 72 or 75 of this act, each intended
1462 parent is, by operation of law, a parent of the resulting child.

1463 (b) Upon birth of a child conceived by assisted reproduction under a
1464 genetic surrogacy agreement validated under section 72 or 75 of this act,
1465 the intended parent or parents shall file a notice with the court that
1466 validated the agreement under section 72 or 75 that a child has been

1467 born as a result of assisted reproduction. Upon receiving such notice,
1468 the court shall immediately, or as soon as practicable, issue an order
1469 without notice and hearing: (1) Declaring that any intended parent or
1470 parents is a parent of a child conceived by assisted reproduction under
1471 the agreement and ordering that parental rights and duties vest
1472 exclusively in any intended parent or parents; (2) Declaring that the
1473 person acting as genetic surrogate and the spouse or former spouse of
1474 the person acting as surrogate, if any, are not parents of the resulting
1475 child; (3) Declaring that the intended parent or parents have
1476 responsibility for the maintenance and support of the child immediately
1477 upon the birth of the child; (4) Designating the contents of the certificate
1478 of birth in accordance with subsection (b) of section 7-48a of the general
1479 statutes, as amended by this act, and directing the Department of Public
1480 Health to designate any intended parent as a parent of the child; and (5)
1481 If necessary, ordering that the child be surrendered to the intended
1482 parent or parents. Nothing in this subsection shall be construed to limit
1483 the court's authority to issue other orders under any other provision of
1484 the general statutes.

1485 (c) If a child born to a person acting as genetic surrogate is alleged not
1486 to have been conceived by assisted reproduction, the court may, upon
1487 sufficient findings, order genetic testing to determine the genetic
1488 parentage of the child, and shall designate which party shall pay for
1489 such testing. If the child was not conceived by assisted reproduction,
1490 parentage shall be determined in accordance with the provisions of
1491 sections 1 to 50, inclusive, of this this act. Unless the genetic surrogacy
1492 agreement provides otherwise, if the child was not conceived by
1493 assisted reproduction the person acting as surrogate is not entitled to
1494 any nonexpense-related compensation paid for serving as a surrogate.

1495 (d) If an intended parent fails to file the notice required under
1496 subsection (b) of this section, the person acting as genetic surrogate may
1497 file with the court, not later than sixty days after the date of birth of a
1498 child conceived by assisted reproduction under the agreement, notice
1499 that the child has been born to the person acting as genetic surrogate.
1500 On proof of a court order issued under section 72 or 75 of this act

1501 validating the agreement, the court shall order that each intended
1502 parent is a parent of the child.

1503 Sec. 75. (NEW) (*Effective January 1, 2022*) (a) A genetic surrogacy
1504 agreement, whether or not in a record, that is not validated under
1505 section 72 of this act is enforceable only to the extent provided in this
1506 section and section 77 of this act.

1507 (b) If all parties agree, a court may validate a genetic surrogacy
1508 agreement after assisted reproduction has occurred but before the date
1509 of birth of a child conceived by assisted reproduction under the
1510 agreement if, upon examination of the parties, the court finds that:

1511 (1) Sections 61 to 63, inclusive, of this act are satisfied; and

1512 (2) All parties entered into the agreement voluntarily and understand
1513 its terms.

1514 (c) A person who terminates a genetic surrogacy agreement under
1515 section 73 of this act shall file notice of the termination with the court,
1516 provided that a person may not terminate a genetic surrogacy
1517 agreement validated under this section if a gamete or embryo transfer
1518 has resulted in a pregnancy. On receipt of the notice, the court shall
1519 vacate any order issued under subsection (b) of this section. A person
1520 who shall not notify the court of the termination of the agreement shall
1521 be subject to sanctions.

1522 (d) If a child conceived by assisted reproduction under a genetic
1523 surrogacy agreement that is not validated under section 72 of this act or
1524 subsection (b) of this section is born, the person acting as genetic
1525 surrogate is not automatically a parent and the court shall adjudicate
1526 parentage of the child based on the best interest of the child, taking into
1527 account the factors set forth in subsection (a) of section 23 of this act and
1528 the intent of the parties at the time of the execution of the agreement.

1529 (e) The parties to a genetic surrogacy agreement have standing to
1530 maintain a proceeding to adjudicate parentage under this section.

1531 Sec. 76. (NEW) (*Effective January 1, 2022*) (a) Except as provided in
1532 section 74 or 75 of this act, upon birth of a child conceived by assisted
1533 reproduction under a genetic surrogacy agreement, each intended
1534 parent is, by operation of law, a parent of the child whether the
1535 surviving parent is the genetic parent of the child conceived, or not,
1536 notwithstanding the death of an intended parent during the period
1537 between the transfer of a gamete or embryo and the birth of the child.

1538 (b) Except as provided in section 74 or 75 of this act, an intended
1539 parent is not a parent of a child conceived by assisted reproduction
1540 under a genetic surrogacy agreement if the intended parent dies before
1541 the transfer of a gamete or embryo unless:

1542 (1) The person executed a written document, which may include the
1543 surrogacy agreement, that: (A) Specifically set forth that the person's
1544 gametes may be used for posthumous conception of a child, (B)
1545 specifically provided the other intended parent with authority to
1546 exercise custody, control and use of the gametes in the event of the
1547 person's death, and (C) was signed and dated by the person and the
1548 other intended parent; and

1549 (2) The embryo is in utero not later than one year after the date of the
1550 person's death.

1551 Sec. 77. (NEW) (*Effective January 1, 2022*) (a) Subject to subsection (b)
1552 of section 73 of this act, if a genetic surrogacy agreement is breached by
1553 a person acting as genetic surrogate or one or more intended parents,
1554 the nonbreaching party is entitled to the remedies available at law or in
1555 equity.

1556 (b) Specific performance is not a remedy available for breach by a
1557 person acting as genetic surrogate of a requirement of a validated or
1558 nonvalidated genetic surrogacy agreement that the person acting as
1559 surrogate be impregnated, terminate or not terminate a pregnancy or
1560 submit to medical procedures.

1561 (c) Except as provided in subsection (b) of this section, specific

1562 performance is a remedy available for:

1563 (1) Breach of a validated genetic surrogacy agreement by a person
1564 acting as genetic surrogate that prevents the intended parent from
1565 exercising, immediately upon birth of the child, the full rights of
1566 parentage; or

1567 (2) Breach by an intended parent that prevents the intended parent's
1568 acceptance, immediately upon birth of the child conceived by assisted
1569 reproduction under the agreement, of the duties of parentage.

1570 Sec. 78. (NEW) (*Effective January 1, 2022*) As used in sections 78 to 83,
1571 inclusive, of this act:

1572 (1) "Identifying information" means: (A) The full name of a donor; (B)
1573 the date of birth of the donor; and (C) the permanent and, if different,
1574 current address of the donor at the time of the donation.

1575 (2) "Medical history" means information regarding any: (A) Present
1576 illness of a donor; (B) past illness of the donor; and (C) social, genetic
1577 and family history pertaining to the health of the donor.

1578 Sec. 79. (NEW) (*Effective January 1, 2022*) (a) The provisions of sections
1579 78 to 83, inclusive, of this act apply only to gametes collected on or after
1580 January 1, 2022.

1581 (b) The provisions of this section do not apply to gametes collected
1582 from a donor whose identity is known to the recipient of the gametes at
1583 the time of the donation.

1584 Sec. 80. (NEW) (*Effective January 1, 2022*) (a) A gamete bank or fertility
1585 clinic operating in this state shall collect from a donor the donor's
1586 identifying information and medical history at the time of the donation.

1587 (b) A gamete bank or fertility clinic operating in this state that
1588 receives the gametes of a donor collected by another gamete bank or
1589 fertility clinic shall collect the name, address, telephone number and
1590 electronic mail address of the gamete bank or fertility clinic from which

1591 it receives the gametes.

1592 (c) A gamete bank or fertility clinic operating in this state shall
1593 disclose the information collected under subsections (a) and (b) of this
1594 section as provided under section 82 of this act.

1595 Sec. 81. (NEW) (*Effective January 1, 2022*) (a) A gamete bank or fertility
1596 clinic operating in this state that collects gametes from a donor shall: (1)
1597 Provide the donor with information in a record about the donor's choice
1598 regarding identity disclosure; and (2) obtain a declaration from the
1599 donor regarding identity disclosure.

1600 (b) A gamete bank or fertility clinic operating in this state shall give a
1601 donor the choice to sign a declaration, attested by a notarial officer or
1602 witnessed, that either: (1) States that the donor agrees to disclose the
1603 donor's identity to a child conceived by assisted reproduction with the
1604 donor's gametes on request once the child attains eighteen years of age;
1605 or (2) states that the donor shall not agree presently to disclose the
1606 donor's identity to the child.

1607 (c) A gamete bank or fertility clinic operating in this state shall permit
1608 a donor who has signed a declaration under subdivision (2) of
1609 subsection (b) of this section to withdraw the declaration at any time by
1610 signing a declaration under subdivision (1) of subsection (b) of this
1611 section.

1612 Sec. 82. (NEW) (*Effective January 1, 2022*) (a) On request of a child
1613 conceived by assisted reproduction who attains eighteen years of age, a
1614 gamete bank or fertility clinic operating in this state that collected the
1615 gametes used in the assisted reproduction shall make a good faith effort
1616 to provide the child with identifying information of the donor who
1617 provided the gametes, unless the donor signed and did not withdraw a
1618 declaration under subdivision (2) of subsection (b) of section 81 of this
1619 act. If the donor signed and did not withdraw the declaration, the
1620 gamete bank or fertility clinic shall make a good faith effort to notify the
1621 donor, who may elect under subsection (c) of section 81 of this act to
1622 withdraw the donor's declaration.

1623 (b) Irrespective of whether a donor signed a declaration under
1624 subdivision (2) of subsection (b) of section 81 of this act, on request by a
1625 child conceived by assisted reproduction who attains eighteen years of
1626 age, or, if the child is a minor, by a parent or guardian of the child, a
1627 gamete bank or fertility clinic operating in this state that collected the
1628 gametes used in the assisted reproduction shall make a good faith effort
1629 to provide the child or, if the child is a minor, the parent or guardian of
1630 the child, access to nonidentifying medical history of the donor.

1631 (c) On request of a child conceived by assisted reproduction who
1632 attains eighteen years of age, a gamete bank or fertility clinic operating
1633 in this state that received the gametes used in the assisted reproduction
1634 from another gamete bank or fertility clinic shall disclose the name,
1635 address, telephone number and electronic mail address of the gamete
1636 bank or fertility clinic from which it received the gametes.

1637 Sec. 83. (NEW) (*Effective January 1, 2022*) (a) A gamete bank or fertility
1638 clinic operating in this state that collects gametes for use in assisted
1639 reproduction shall maintain identifying information and medical
1640 history about each gamete donor. The gamete bank or fertility clinic
1641 shall maintain records of gamete screening and testing and comply with
1642 reporting requirements, in accordance with federal law and applicable
1643 law of this state other than the provisions of sections 1 to 86, inclusive,
1644 of this act.

1645 (b) A gamete bank or fertility clinic operating in this state that
1646 receives gametes from another gamete bank or fertility clinic operating
1647 in this state shall maintain the name, address, telephone number and
1648 electronic mail address of the gamete bank or fertility clinic from which
1649 it received the gametes.

1650 Sec. 84. (NEW) (*Effective January 1, 2022*) In applying and construing
1651 the provisions of sections 1 to 86, inclusive, of this act, consideration
1652 shall be given to the need to promote uniformity of the law with respect
1653 to its subject matter among states that enact it.

1654 Sec. 85. (NEW) (*Effective January 1, 2022*) Sections 1 to 86, inclusive, of

1655 this act modify, limit or supersede the Electronic Signatures in Global
1656 and National Commerce Act, 15 USC 7001 et seq., but do not modify,
1657 limit or supersede 15 USC 7001(c), or authorize electronic delivery of
1658 any of the notices described in 15 USC 7003(b).

1659 Sec. 86. (NEW) (*Effective January 1, 2022*) Sections 1 to 86, inclusive, of
1660 this act apply to a proceeding in which no judgment has entered before
1661 January 1, 2022, with respect to a person's parentage that has not already
1662 been adjudicated by a court of competent jurisdiction or determined by
1663 operation of law.

1664 Sec. 87. Section 7-36 of the general statutes is repealed and the
1665 following is substituted in lieu thereof (*Effective January 1, 2022*):

1666 As used in this chapter and sections 19a-40 to 19a-45, inclusive, unless
1667 the context otherwise requires:

1668 (1) "Registrar of vital statistics" or "registrar" means the registrar of
1669 births, marriages, deaths and fetal deaths or any public official charged
1670 with the care of returns relating to vital statistics;

1671 (2) "Registration" means the process by which vital records are
1672 completed, filed and incorporated into the official records of the
1673 department;

1674 (3) "Institution" means any public or private facility that provides
1675 inpatient medical, surgical or diagnostic care or treatment, or nursing,
1676 custodial or domiciliary care, or to which persons are committed by law;

1677 (4) "Vital records" means a certificate of birth, death, fetal death or
1678 marriage;

1679 (5) "Certified copy" means a copy of a birth, death, fetal death or
1680 marriage certificate that (A) includes all information on the certificate
1681 except such information that is nondisclosable by law, (B) is issued or
1682 transmitted by any registrar of vital statistics, (C) includes an attested
1683 signature and the raised seal of an authorized person, and (D) if
1684 submitted to the department, includes all information required by the

1685 commissioner;

1686 (6) "Uncertified copy" means a copy of a birth, death, fetal death or
1687 marriage certificate that includes all information contained in a certified
1688 copy except an original attested signature and a raised seal of an
1689 authorized person;

1690 (7) "Authenticate" or "authenticated" means to affix to a vital record
1691 in paper format the official seal, or to affix to a vital record in electronic
1692 format the user identification, password, or other means of electronic
1693 identification, as approved by the department, of the creator of the vital
1694 record, or the creator's designee, by which affixing the creator of such
1695 paper or electronic vital record, or the creator's designee, affirms the
1696 integrity of such vital record;

1697 (8) "Attest" means to verify a vital record in accordance with the
1698 provisions of subdivision (5) of this section;

1699 (9) "Correction" means to change or enter new information on a
1700 certificate of birth, marriage, death or fetal death, within one year of the
1701 date of the vital event recorded in such certificate, in order to accurately
1702 reflect the facts existing at the time of the recording of such vital event,
1703 where such changes or entries are to correct errors on such certificate
1704 due to inaccurate or incomplete information provided by the informant
1705 at the time the certificate was prepared, or to correct transcribing,
1706 typographical or clerical errors;

1707 (10) "Amendment" means to (A) change or enter new information on
1708 a certificate of birth, marriage, death or fetal death, more than one year
1709 after the date of the vital event recorded in such certificate, in order to
1710 accurately reflect the facts existing at the time of the recording of the
1711 event, (B) create a replacement certificate of birth for matters pertaining
1712 to parentage and gender change, or (C) reflect a legal name change in
1713 accordance with section 19a-42, as amended by this act, or make a
1714 modification to a cause of death;

1715 (11) "Acknowledgment of paternity" means to legally acknowledge

1716 paternity of a child pursuant to section 46b-172, as amended by this act;

1717 (12) "Adjudication of paternity" means to legally establish paternity
1718 through an order of a court of competent jurisdiction;

1719 (13) "Parentage" includes matters relating to adoption, [gestational]
1720 surrogacy agreements, paternity and maternity;

1721 (14) "Department" means the Department of Public Health;

1722 (15) "Commissioner" means the Commissioner of Public Health or the
1723 commissioner's designee;

1724 [(16) "Gestational agreement" means a written agreement for assisted
1725 reproduction in which a woman agrees to carry a child to birth for an
1726 intended parent or intended parents, which woman contributed no
1727 genetic material to the child and which agreement (A) names each party
1728 to the agreement and indicates each party's respective obligations under
1729 the agreement, (B) is signed by each party to the agreement and the
1730 spouse of each such party, if any, and (C) is witnessed by at least two
1731 disinterested adults and acknowledged in the manner prescribed by
1732 law;]

1733 (16) "Surrogacy agreement" means an agreement between one or
1734 more intended parents and a person who is not an intended parent in
1735 which such person agrees to become pregnant through assisted
1736 reproduction and which provides that each intended parent is a parent
1737 of a child conceived under the agreement. Unless the context otherwise
1738 requires, "surrogacy agreement" includes an agreement with a person
1739 acting as a gestational surrogate and an agreement with a person acting
1740 as a genetic surrogate;

1741 (17) "Intended parent" means a [party to a gestational agreement who
1742 agrees, under the gestational agreement, to be the parent of a child born
1743 to a woman by means of assisted reproduction, regardless of whether
1744 the party has a genetic relationship to the child] person, married or
1745 unmarried, who manifests an intent to be legally bound as a parent of a

1746 child conceived by assisted reproduction;

1747 (18) "Foundling" means (A) a child of unknown parentage, or (B) an
1748 infant voluntarily surrendered pursuant to the provisions of section 17a-
1749 58; and

1750 (19) "Certified homeless youth" means a person who is at least fifteen
1751 years of age but less than eighteen years of age, is not in the physical
1752 custody of a parent or legal guardian, who is a homeless child or youth,
1753 as defined in 42 USC 11434a, as amended from time to time, and who
1754 has been certified as homeless by (A) a school district homeless liaison,
1755 (B) the director of an emergency shelter program funded by the United
1756 States Department of Housing and Urban Development, or the
1757 director's designee, or (C) the director of a runaway or homeless youth
1758 basic center or transitional living program funded by the United States
1759 Department of Health and Human Services, or the director's designee.

1760 Sec. 88. Section 7-48a of the general statutes is repealed and the
1761 following is substituted in lieu thereof (*Effective January 1, 2022*):

1762 (a) Each original certificate of birth shall be filed with the name of the
1763 birth [mother] parent recorded.

1764 (b) If the birth is subject to a [gestational] surrogacy agreement, the
1765 Department of Public Health shall create a replacement certificate of
1766 birth immediately upon: (1) Receipt of a certified copy of an order of a
1767 court of competent jurisdiction [approving a gestational agreement and]
1768 issuing an order of parentage pursuant to such [gestational] surrogacy
1769 agreement, if such order is received by the department after the birth of
1770 the child, or (2) the filing of an original certificate of birth, if such order
1771 is received by the department prior to the birth of the child. The
1772 department shall prepare the replacement certificate of birth for the
1773 child born of the agreement in accordance with such order. The
1774 replacement certificate of birth shall include all information required to
1775 be included in a certificate of birth of this state as of the date of the birth,
1776 except that the intended parent or parents under the [gestational]
1777 surrogacy agreement shall be named as the parent or parents of the

1778 child. When a certified copy of a certificate of birth is requested by an
1779 eligible party, as provided in section 7-51, as amended by this act, for
1780 which a replacement certificate of birth has been created pursuant to this
1781 subsection, a copy of the replacement certificate of birth shall be
1782 provided. The department shall seal the original certificate of birth in
1783 accordance with the provisions of subsection (c) of section 19a-42.

1784 (c) Immediately after a replacement certificate of birth has been
1785 prepared, the department shall transmit an exact copy of such certificate
1786 to the registrar of vital statistics of the town of birth and to any other
1787 registrar as the department deems appropriate. Such registrar shall
1788 proceed in accordance with the provisions of section 19a-42, as amended
1789 by this act.

1790 Sec. 89. Section 7-50 of the general statutes is repealed and the
1791 following is substituted in lieu thereof (*Effective January 1, 2022*):

1792 (a) No certificate of birth shall contain any specific statement that the
1793 child was born [in or out of wedlock or reference to illegitimacy of the
1794 child or to the marital status of the mother] to parents married or
1795 unmarried to each other, except that information on whether the child
1796 was born [in or out of wedlock] to parents married or unmarried to each
1797 other and the marital status of the [mother] person who gave birth shall
1798 be recorded on a confidential portion of the certificate pursuant to
1799 section 7-48. Upon the completion of an acknowledgment of [paternity]
1800 parentage at a hospital, concurrent with the hospital's electronic
1801 transmission of birth data to the department, or at a town in the case of
1802 a home birth, concurrent with the registration of the birth data by the
1803 town, the acknowledgment shall be filed in the [paternity] parentage
1804 registry maintained by the department, as required by section 19a-42a,
1805 as amended by this act, and the name of the [father of a child born out
1806 of wedlock] acknowledged parent shall be entered in or upon the birth
1807 certificate or birth record of such child. All properly completed post
1808 birth acknowledgments or certified adjudications of [paternity]
1809 parentage received by the department shall be filed in the [paternity]
1810 parentage registry maintained by the department, and the name of the

1811 [father of the child born out of wedlock] acknowledged parent shall be
1812 entered in or upon the birth record or certificate of such child by the
1813 department, if there is no [paternity] parentage, other than the person
1814 who gave birth, already recorded on the birth certificate. If [another
1815 father's information is recorded on the certificate, the original father's]
1816 the certificate already contains the information of a parent other than
1817 the person who gave birth, information shall not be removed except
1818 upon receipt by the department of a certified order by a court of
1819 competent jurisdiction in which there is a finding that the individual
1820 recorded on the birth certificate, specifically referenced by name, is not
1821 the child's [father] parent, or a finding that a different individual than
1822 the one recorded, specifically referenced by name, is the child's [father]
1823 parent. The name of the [father] parent on a birth certificate or birth
1824 record shall otherwise be removed or changed only upon the filing of a
1825 rescission in such registry, as provided in section 19a-42a, as amended
1826 by this act. The Social Security number of the father of a nonmarital child
1827 [born out of wedlock] may be entered in or upon the birth certificate or
1828 birth record of such child if such entry is done in accordance with 5 USC
1829 552a. [note.]

1830 (b) The department shall restrict access to and issuance of certified
1831 copies of acknowledgments of paternity and acknowledgments of
1832 parentage as provided in section 19a-42a, as amended by this act.

1833 Sec. 90. Subsection (a) of section 7-51 of the general statutes is
1834 repealed and the following is substituted in lieu thereof (*Effective January*
1835 *1, 2022*):

1836 (a) (1) The department and registrars of vital statistics shall restrict
1837 access to and issuance of a certified copy of birth and fetal death records
1838 and certificates less than one hundred years old, to the following eligible
1839 parties: (A) The person whose birth is recorded, if such person is (i) over
1840 eighteen years of age, (ii) a certified homeless youth, as defined in
1841 section 7-36, as amended by this act, or (iii) a minor emancipated
1842 pursuant to sections 46b-150 to 46b-150e, inclusive; (B) such person's
1843 child, grandchild, spouse, parent, guardian or grandparent; (C) the chief

1844 executive officer of the municipality where the birth or fetal death
1845 occurred, or the chief executive officer's authorized agent; (D) the local
1846 director of health for the town or city where the birth or fetal death
1847 occurred or where the [mother] person who gave birth was a resident at
1848 the time of the birth or fetal death, or the director's authorized agent; (E)
1849 attorneys-at-law representing such person or such person's parent,
1850 guardian, child or surviving spouse; (F) a conservator of the person
1851 appointed for such person; (G) a member of a genealogical society
1852 incorporated or authorized by the Secretary of the State to do business
1853 or conduct affairs in this state; (H) an agent of a state or federal agency
1854 as approved by the department; and (I) a researcher approved by the
1855 department pursuant to section 19a-25.

1856 (2) Except as provided in section 7-53 and section 19a-42a, as
1857 amended by this act, access to confidential files on [paternity] parentage,
1858 adoption, gender change or [gestational] surrogacy agreements, or
1859 information contained within such files, shall not be released to any
1860 party, including the eligible parties listed in subdivision (1) of this
1861 subsection, except upon an order of a court of competent jurisdiction.

1862 Sec. 91. Subsection (a) of section 7-51a of the general statutes is
1863 repealed and the following is substituted in lieu thereof (*Effective January*
1864 *1, 2022*):

1865 (a) Any person eighteen years of age or older may purchase certified
1866 copies of marriage and death records, and certified copies of records of
1867 births or fetal deaths which are at least one hundred years old, in the
1868 custody of any registrar of vital statistics. The department may issue
1869 uncertified copies of death certificates for deaths occurring less than one
1870 hundred years ago, and uncertified copies of birth, marriage, death and
1871 fetal death certificates for births, marriages, deaths and fetal deaths that
1872 occurred at least one hundred years ago, to researchers approved by the
1873 department pursuant to section 19a-25, and to state and federal agencies
1874 approved by the department. During all normal business hours,
1875 members of genealogical societies incorporated or authorized by the
1876 Secretary of the State to do business or conduct affairs in this state shall

1877 (1) have full access to all vital records in the custody of any registrar of
1878 vital statistics, including certificates, ledgers, record books, card files,
1879 indexes and database printouts, except for those records containing
1880 Social Security numbers protected pursuant to 42 USC 405 (c)(2)(C), and
1881 confidential files on adoptions, gender change, [gestational] surrogacy
1882 agreements, [and paternity] and parentage, (2) be permitted to make
1883 notes from such records, (3) be permitted to purchase certified copies of
1884 such records, and (4) be permitted to incorporate statistics derived from
1885 such records in the publications of such genealogical societies. For all
1886 vital records containing Social Security numbers that are protected from
1887 disclosure pursuant to federal law, the Social Security numbers
1888 contained on such records shall be redacted from any certified copy of
1889 such records issued to a genealogist by a registrar of vital statistics.

1890 Sec. 92. Subsection (c) of section 17a-60 of the general statutes is
1891 repealed and the following is substituted in lieu thereof (*Effective January*
1892 *1, 2022*):

1893 (c) Possession of a bracelet linking the parent or lawful agent to an
1894 infant surrendered to a designated employee if parental rights have not
1895 been terminated creates a presumption the parent or lawful agent has
1896 standing to participate in a custody hearing for the infant under chapter
1897 319a but does not create a presumption of [maternity, paternity]
1898 parentage or custody.

1899 Sec. 93. Section 17b-27 of the general statutes is repealed and the
1900 following is substituted in lieu thereof (*Effective January 1, 2022*):

1901 (a) Each hospital or other institution where births occur, and each
1902 entity that is approved by the Commissioner of Social Services to
1903 participate in the voluntary [paternity] parentage establishment
1904 program, shall, with the assistance of the commissioner, develop a
1905 protocol for a voluntary [paternity] parentage establishment program as
1906 provided in regulations adopted pursuant to subsection (b) of this
1907 section, which shall be consistent with the provisions of [subsection (a)
1908 of section 46b-172] sections 24 to 35, inclusive, of this act and shall

1909 encourage the positive involvement of both parents in the life of the
1910 child. Each such protocol shall assure that the participants are informed,
1911 are competent to understand and agree to an affirmation or
1912 acknowledgment of [paternity] parentage, and that any such
1913 affirmation or acknowledgment is voluntary and free from coercion.
1914 Each such protocol shall also provide for the training of all staff
1915 members involved in the voluntary [paternity] parentage establishment
1916 process so that such staff members will understand their obligations to
1917 implement the voluntary [paternity] parentage establishment program
1918 in such a way that the participants are informed, are competent to
1919 understand and agree to an affirmation or acknowledgment of
1920 [paternity] parentage, and that any such affirmation or
1921 acknowledgment is voluntary and free from coercion. No entity may
1922 participate in the program until its protocol has been approved by the
1923 commissioner. The commissioner shall make all protocols and proposed
1924 protocols available for public inspection. No entity or location at which
1925 all or a substantial portion of occupants are present involuntarily,
1926 including, but not limited to, a prison or a mental hospital, but excluding
1927 any site having a research and demonstration project established under
1928 subsection (d) of section 1 of public act 99-193, may be approved for
1929 participation in the voluntary [paternity] parentage establishment
1930 program; nor may the commissioner approve any further site for
1931 participation in the program if it maintains a coercive environment or if
1932 the failure to acknowledge [paternity] parentage may result in the loss
1933 of benefits or services controlled by the entity, which are unrelated to
1934 [paternity] parentage.

1935 (b) The Commissioner of Social Services shall adopt regulations in
1936 accordance with chapter 54 to implement the provisions of subsection
1937 (a) of this section. Such regulations shall specify the requirements for
1938 participation in the voluntary [paternity] parentage establishment
1939 program and shall include, but not be limited to, provisions (1) to assure
1940 that affirmations of [paternity by the mother and acknowledgments of
1941 paternity by the putative father] parentage are voluntary and free from
1942 coercion, and (2) to establish the contents of notices which shall be

1943 provided to the [mother and to the putative father] parents before
1944 affirmation or acknowledgment. The notice to the [mother] parent who
1945 gave birth shall include, but not be limited to, notice that the affirmation
1946 or acknowledgment of [paternity] parentage may result in rights of
1947 custody and visitation, as well as a duty of support, in the person named
1948 as [the father] a parent. The notice to the [putative father] acknowledged
1949 parent shall include, but not be limited to, notice that: (A) [He] The
1950 acknowledged parent has the right to: (i) Establish [his paternity]
1951 parentage voluntarily or through court action, or to contest [paternity]
1952 parentage; (ii) appointment of counsel; (iii) in cases where the
1953 acknowledged parent is an alleged genetic parent, a genetic test to
1954 determine [paternity] parentage prior to signing an acknowledgment or
1955 in conjunction with a court action; and (iv) a trial by the Superior Court
1956 or a family support magistrate, and (B) acknowledgment of [paternity
1957 will make him] parentage shall make the acknowledged parent liable
1958 for the financial support of the child until the child's eighteenth birthday
1959 and may result in rights of custody and visitation being conferred on the
1960 [father] acknowledged parent. In no event shall the [mother's] failure of
1961 the parent who gave birth to sign an affirmation or acknowledgment of
1962 [paternity] parentage in the hospital or with any other entity agreeing
1963 to participate in the voluntary [paternity] parentage establishment
1964 program be considered failure to cooperate with the establishment of
1965 support for the purposes of eligibility for temporary assistance for
1966 needy families.

1967 (c) The Department of Public Health shall establish a voluntary
1968 acknowledgment of [paternity] parentage system consistent with the
1969 provisions of [subsection (a) of section 46b-172] sections 24 to 35,
1970 inclusive, of this act.

1971 Sec. 94. Subsections (a) and (b) of section 17b-137a of the general
1972 statutes are repealed and the following is substituted in lieu thereof
1973 (*Effective January 1, 2022*):

1974 (a) The Social Security number of the applicant shall be recorded on
1975 each (1) application for a license, certification or permit to engage in a

1976 profession or occupation regulated pursuant to the provisions of title
1977 19a, 20 or 21; (2) application for a commercial driver's license or
1978 commercial driver's instruction permit completed pursuant to
1979 subsection (a) of section 14-44c; and (3) application for a marriage license
1980 made under section 46b-25.

1981 (b) The Social Security number of any individual who is subject to a
1982 dissolution of marriage decree, dissolution of civil union decree,
1983 support order or [paternity] parentage determination or
1984 acknowledgment shall be placed in the records relating to the matter.

1985 Sec. 95. Subparagraph (A) of subdivision (2) of subsection (a) of
1986 section 17b-137 of the general statutes is repealed and the following is
1987 substituted in lieu thereof (*Effective January 1, 2022*):

1988 (2) (A) Such disclosure may be obtained in like manner of the
1989 property, wages or indebtedness of any person who is either: (i) Liable
1990 for the support of any such applicant or recipient, including the parents
1991 of any child receiving aid or services through the Department of
1992 Children and Families, or one adjudged or acknowledged to be the
1993 [father of an illegitimate] parent of a child; or (ii) the subject of an
1994 investigation in a IV-D support case, as defined in subdivision (13) of
1995 subsection (b) of section 46b-231. Any company or officer who has
1996 control of the books and accounts of any corporation shall make full
1997 disclosure to the IV-D agency, as defined in subdivision (12) of
1998 subsection (b) of section 46b-231, or to the support enforcement officer
1999 of the Superior Court of any such property, wages or indebtedness in all
2000 support cases, including IV-D support cases, as defined in subdivision
2001 (13) of subsection (b) of section 46b-231.

2002 Sec. 96. Subsections (d) and (e) of section 19a-42 of the general statutes
2003 are repealed and the following is substituted in lieu thereof (*Effective*
2004 *January 1, 2022*):

2005 (d) (1) Upon receipt of (A) an acknowledgment of [paternity]
2006 parentage executed in accordance with the provisions of [subsection (a)
2007 of section 46b-172] sections 24 to 35, inclusive, of this act by both parents

2008 of a child, [born out of wedlock,] or (B) a certified copy of an order of a
2009 court of competent jurisdiction establishing the [paternity] parentage of
2010 a child, [born out of wedlock,] the commissioner shall include on or
2011 amend, as appropriate, such child's birth certificate to show such
2012 [paternity if paternity] parentage if parentage is not already shown on
2013 such birth certificate and to change the name of the child under eighteen
2014 years of age if so indicated on the acknowledgment of [paternity]
2015 parentage form or within the certified court order as part of the
2016 [paternity] parentage action. If a person who is the subject of a voluntary
2017 acknowledgment of [paternity] parentage, as described in this
2018 subdivision, is eighteen years of age or older, the commissioner shall
2019 obtain a notarized affidavit from such person affirming that [he or she]
2020 such person agrees to the commissioner's amendment of such person's
2021 birth certificate as such amendment relates to the acknowledgment of
2022 [paternity] parentage. The commissioner shall amend the birth
2023 certificate for an adult child to change [his or her] the child's name only
2024 pursuant to a court order.

2025 (2) If [another father is listed on] the birth certificate lists the
2026 information of a parent other than the person who gave birth, the
2027 commissioner shall not remove or replace the [father's] parent's
2028 information unless presented with a certified court order that meets the
2029 requirements specified in section 7-50, as amended by this act, or upon
2030 the proper filing of a rescission, in accordance with the provisions of
2031 section 46b-172, as amended by this act. The commissioner shall
2032 thereafter amend such child's birth certificate to remove or change the
2033 [father's] name of the parent other than the person who gave birth and,
2034 if relevant, to change the name of the child, as requested at the time of
2035 the filing of a rescission, in accordance with the provisions of section
2036 46b-172, as amended by this act. Birth certificates amended under this
2037 subsection shall not be marked "Amended".

2038 (e) When the parent or parents of a child request the amendment of
2039 the child's birth certificate to reflect a new [mother's] name of the parent
2040 who gave birth because the name on the original certificate is fictitious,
2041 such parent or parents shall obtain an order of a court of competent

2042 jurisdiction declaring the [putative mother] person who gave birth to be
2043 the child's [mother] parent. Upon receipt of a certified copy of such
2044 order, the department shall amend the child's birth certificate to reflect
2045 the [mother's] parent's true name.

2046 Sec. 97. Section 19a-42a of the general statutes is repealed and the
2047 following is substituted in lieu thereof (*Effective January 1, 2022*):

2048 (a) All (1) voluntary acknowledgments of [paternity] parentage and
2049 rescissions of such acknowledgments executed in accordance with
2050 [subsection (a) of section 46b-172] sections 24 to 37, inclusive, of this act,
2051 and (2) adjudications of [paternity] parentage issued by a court or family
2052 support magistrate under section 19 of this act, section 46b-171, as
2053 amended by this act, section 46b-172a, as amended by this act, or any
2054 other provision of the general statutes shall be filed in the [paternity]
2055 parentage registry maintained by the Department of Public Health. All
2056 information in such registry shall be made available to the IV-D agency,
2057 as defined in subdivision (12) of subsection (b) of section 46b-231, for
2058 comparison with information in the state case registry established under
2059 subsection (l) of section 17b-179. The IV-D agency may disclose
2060 information in the [paternity] parentage registry to an agency under
2061 cooperative agreement with the IV-D agency for child support
2062 enforcement purposes.

2063 (b) Except for the IV-D agency, as provided in subsection (a) of this
2064 section, the department shall restrict access to and issuance of certified
2065 copies of acknowledgments of [paternity] parentage to the following
2066 parties: (1) Parents named on the acknowledgment of [paternity]
2067 parentage; (2) the person whose birth is acknowledged, if such person
2068 is eighteen years of age or older; (3) a guardian of the person whose birth
2069 is acknowledged; (4) an authorized representative of the Department of
2070 Social Services; (5) an attorney representing such person or a parent
2071 named on the acknowledgment; or (6) agents of a state or federal
2072 agency, as approved by the department.

2073 Sec. 98. Subsection (a) of section 45a-8a of the general statutes is

2074 repealed and the following is substituted in lieu thereof (*Effective January*
2075 *1, 2022*):

2076 (a) For the purposes of this section, "children's matters" means: (1)
2077 Guardianship matters under sections 45a-603 to 45a-625, inclusive; (2)
2078 termination of parental rights matters under sections 45a-706 to 45a-719,
2079 inclusive; (3) adoption matters under sections 45a-724 to 45a-733,
2080 inclusive, and sections 45a-736 and 45a-737; (4) claims for [paternity]
2081 parentage under section 5 of this act and section 46b-172a, as amended
2082 by this act; (5) emancipation of minor matters under sections 46b-150 to
2083 46b-150e, inclusive; and (6) voluntary admission matters under section
2084 17a-11.

2085 Sec. 99. Subsection (b) of section 45a-106a of the general statutes is
2086 repealed and the following is substituted in lieu thereof (*Effective January*
2087 *1, 2022*):

2088 (b) The fee to file each of the following motions, petitions or
2089 applications in a Probate Court is two hundred fifty dollars:

2090 (1) With respect to a minor child: (A) Appoint a temporary guardian,
2091 temporary custodian, guardian, coguardian, permanent guardian or
2092 statutory parent, (B) remove a guardian, including the appointment of
2093 another guardian, (C) reinstate a parent as guardian, (D) terminate
2094 parental rights, including the appointment of a guardian or statutory
2095 parent, (E) grant visitation, (F) make findings regarding special
2096 immigrant juvenile status, (G) approve placement of a child for
2097 adoption outside this state, (H) approve an adoption, (I) validate a
2098 foreign adoption, (J) review, modify or enforce a cooperative
2099 postadoption agreement, (K) review an order concerning contact
2100 between an adopted child and his or her siblings, (L) resolve a dispute
2101 concerning a standby guardian, (M) approve a plan for voluntary
2102 services provided by the Department of Children and Families, (N)
2103 determine whether the termination of voluntary services provided by
2104 the Department of Children and Families is in accordance with
2105 applicable regulations, (O) conduct an in-court review to modify an

2106 order, (P) grant emancipation, (Q) grant approval to marry, (R) transfer
2107 funds to a custodian under sections 45a-557 to 45a-560b, inclusive, (S)
2108 appoint a successor custodian under section 45a-559c, (T) resolve a
2109 dispute concerning custodianship under sections 45a-557 to 45a-560b,
2110 inclusive, and (U) grant authority to purchase real estate;

2111 (2) Determine [paternity] parentage;

2112 (3) Validate a genetic surrogacy agreement;

2113 [(3)] (4) Determine the age and date of birth of an adopted person
2114 born outside the United States;

2115 [(4)] (5) With respect to adoption records: (A) Appoint a guardian ad
2116 litem for a biological relative who cannot be located or appears to be
2117 incompetent, (B) appeal the refusal of an agency to release information,
2118 (C) release medical information when required for treatment, and (D)
2119 grant access to an original birth certificate;

2120 [(5)] (6) Approve an adult adoption;

2121 [(6)] (7) With respect to a conservatorship: (A) Appoint a temporary
2122 conservator, conservator or special limited conservator, (B) change
2123 residence, terminate a tenancy or lease, sell or dispose household
2124 furnishings, or place in a long-term care facility, (C) determine
2125 competency to vote, (D) approve a support allowance for a spouse, (E)
2126 grant authority to elect the spousal share, (F) grant authority to purchase
2127 real estate, (G) give instructions regarding administration of a joint asset
2128 or liability, (H) distribute gifts, (I) grant authority to consent to
2129 involuntary medication, (J) determine whether informed consent has
2130 been given for voluntary admission to a hospital for psychiatric
2131 disabilities, (K) determine life-sustaining medical treatment, (L) transfer
2132 to or from another state, (M) modify the conservatorship in connection
2133 with a periodic review, (N) excuse accounts under rules of procedure
2134 approved by the Supreme Court under section 45a-78, (O) terminate the
2135 conservatorship, and (P) grant a writ of habeas corpus;

2136 [(7)] (8) With respect to a power of attorney: (A) Compel an account
2137 by an agent, (B) review the conduct of an agent, (C) construe the power
2138 of attorney, and (D) mandate acceptance of the power of attorney;

2139 [(8)] (9) Resolve a dispute concerning advance directives or life-
2140 sustaining medical treatment when the individual does not have a
2141 conservator or guardian;

2142 [(9)] (10) With respect to an elderly person, as defined in section 17b-
2143 450: (A) Enjoin an individual from interfering with the provision of
2144 protective services to such elderly person, and (B) authorize the
2145 Commissioner of Social Services to enter the premises of such elderly
2146 person to determine whether such elderly person needs protective
2147 services;

2148 [(10)] (11) With respect to an adult with intellectual disability: (A)
2149 Appoint a temporary limited guardian, guardian or standby guardian,
2150 (B) grant visitation, (C) determine competency to vote, (D) modify the
2151 guardianship in connection with a periodic review, (E) determine life-
2152 sustaining medical treatment, (F) approve an involuntary placement,
2153 (G) review an involuntary placement, (H) authorize a guardian to
2154 manage the finances of such adult, and (I) grant a writ of habeas corpus;

2155 [(11)] (12) With respect to psychiatric disability: (A) Commit an
2156 individual for treatment, (B) issue a warrant for examination of an
2157 individual at a general hospital, (C) determine whether there is probable
2158 cause to continue an involuntary confinement, (D) review an
2159 involuntary confinement for possible release, (E) authorize shock
2160 therapy, (F) authorize medication for treatment of psychiatric disability,
2161 (G) review the status of an individual under the age of sixteen as a
2162 voluntary patient, and (H) recommit an individual under the age of
2163 sixteen for further treatment;

2164 [(12)] (13) With respect to drug or alcohol dependency: (A) Commit
2165 an individual for treatment, (B) recommit an individual for further
2166 treatment, and (C) terminate an involuntary confinement;

- 2167 [(13)] (14) With respect to tuberculosis: (A) Commit an individual for
2168 treatment, (B) issue a warrant to enforce an examination order, and (C)
2169 terminate an involuntary confinement;
- 2170 [(14)] (15) Compel an account by the trustee of an inter vivos trust,
2171 custodian under sections 45a-557 to 45a-560b, inclusive, or treasurer of
2172 an ecclesiastical society or cemetery association;
- 2173 [(15)] (16) With respect to a testamentary or inter vivos trust: (A)
2174 Construe, divide, reform or terminate the trust, (B) enforce the
2175 provisions of a pet trust, and (C) excuse a final account under rules of
2176 procedure approved by the Supreme Court under section 45a-78;
- 2177 [(16)] (17) Authorize a fiduciary to establish a trust;
- 2178 [(17)] (18) Appoint a trustee for a missing person;
- 2179 [(18)] (19) Change a person's name;
- 2180 [(19)] (20) Issue an order to amend the birth certificate of an
2181 individual born in another state to reflect a gender change;
- 2182 [(20)] (21) Require the Department of Public Health to issue a delayed
2183 birth certificate;
- 2184 [(21)] (22) Compel the board of a cemetery association to disclose the
2185 minutes of the annual meeting;
- 2186 [(22)] (23) Issue an order to protect a grave marker;
- 2187 [(23)] (24) Restore rights to purchase, possess and transport firearms;
- 2188 [(24)] (25) Issue an order permitting sterilization of an individual;
- 2189 [(25)] (26) Approve the transfer of structured settlement payment
2190 rights; and
- 2191 [(26)] (27) With respect to any case in a Probate Court other than a
2192 decedent's estate: (A) Compel or approve an action by the fiduciary, (B)

2193 give advice or instruction to the fiduciary, (C) authorize a fiduciary to
2194 compromise a claim, (D) list, sell or mortgage real property, (E)
2195 determine title to property, (F) resolve a dispute between cofiduciaries
2196 or among fiduciaries, (G) remove a fiduciary, (H) appoint a successor
2197 fiduciary or fill a vacancy in the office of fiduciary, (I) approve fiduciary
2198 or attorney's fees, (J) apply the doctrine of cy pres or approximation, (K)
2199 reconsider, modify or revoke an order, and (L) decide an action on a
2200 probate bond.

2201 Sec. 100. Subsection (a) of section 45a-257b of the general statutes is
2202 repealed and the following is substituted in lieu thereof (*Effective January*
2203 *1, 2022*):

2204 (a) Except as provided in subsection (b) of this section, if a testator
2205 fails to provide in the testator's will for any of the testator's children born
2206 or adopted after the execution of the will, including any child who is
2207 born as a result of [artificial insemination to which the testator has
2208 consented in accordance with subsection (b) of section 45a-772] assisted
2209 reproduction, as defined in section 2 of this act, and any child born after
2210 the death of the testator as provided in subsection (a) of section 45a-785,
2211 the omitted after-born or after-adopted child receives a share in the
2212 estate as follows:

2213 (1) If the testator had no child living when the testator executed the
2214 will, an omitted after-born or after-adopted child receives a share in the
2215 estate equal in value to that which the child would have received had
2216 the testator died intestate, unless the will devised or bequeathed all or
2217 substantially all of the estate to the other parent of the omitted child and
2218 that other parent survives the testator and is entitled to take under the
2219 will.

2220 (2) If the testator had one or more children living when the testator
2221 executed the will, and the will devised or bequeathed property or an
2222 interest in property to one or more of the then-living children, an
2223 omitted after-born or after-adopted child is entitled to share in the
2224 testator's estate as follows:

2225 (A) Except as provided in subparagraph (E) of this subdivision, the
2226 portion of the testator's estate in which the omitted after-born or after-
2227 adopted child is entitled to share is limited to devises and legacies made
2228 to the testator's then-living children under the will.

2229 (B) The omitted after-born or after-adopted child is entitled to receive
2230 the share of the testator's estate, as limited in subparagraph (A) of this
2231 subdivision, that the child would have received had the testator
2232 included all omitted after-born and after-adopted children with the
2233 children to whom devises and legacies were made under the will and
2234 had given an equal share of the estate to each child.

2235 (C) To the extent feasible, the interest granted an omitted after-born
2236 or after-adopted child under this section must be of the same character,
2237 whether equitable or legal, present or future, as that devised or
2238 bequeathed to the testator's then-living children under the will.

2239 (D) In satisfying a share provided by this subdivision, devises and
2240 legacies to the testator's children who were living when the will was
2241 executed abate ratably. In the abatement of the devises and legacies of
2242 the then-living children, to the maximum extent possible the character
2243 of the testamentary plan adopted by the testator shall be preserved.

2244 (E) If it appears from the will that the intention of the testator was to
2245 make a limited provision which specifically applied only to the testator's
2246 living children at the time the will was executed, the after-born or after-
2247 adopted child succeeds to the portion of such testator's estate as would
2248 have passed to such child had the testator died intestate.

2249 Sec. 101. Subsection (a) of section 45a-262 of the general statutes is
2250 repealed and the following is substituted in lieu thereof (*Effective January*
2251 *1, 2022*):

2252 (a) The words "child", "children", "issue", "descendants",
2253 "descendant", "heirs", "heir", "unlawful heirs", "grandchild" and
2254 "grandchildren", when used in the singular or plural in any will or trust
2255 instrument, shall, unless such document clearly indicates a contrary

2256 intention, be deemed to include children born as a result of [A.I.D.]
2257 assisted reproduction. The provisions of this subsection shall apply to
2258 wills and trust instruments whether or not executed before, on or after
2259 October 1, 1975, unless the instrument indicates an intent to the
2260 contrary.

2261 Sec. 102. Subsection (b) of section 45a-437 of the general statutes is
2262 repealed and the following is substituted in lieu thereof (*Effective January*
2263 *1, 2022*):

2264 (b) For the purposes of this section:

2265 (1) Issue includes children [born out of wedlock] who qualify for
2266 inheritance under the provisions of section 45a-438, as amended by this
2267 act, and the legal representatives of such children;

2268 (2) A [father of a child born out of wedlock] person shall be
2269 considered a parent if the [father] person qualifies for inheritance from
2270 or through the child under the provisions of section 45a-438b, as
2271 amended by this act.

2272 Sec. 103. Subsection (b) of section 45a-438 of the general statutes is
2273 repealed and the following is substituted in lieu thereof (*Effective January*
2274 *1, 2022*):

2275 (b) Except as provided in section 45a-731, for the purposes of this
2276 chapter, a child [born out of wedlock] and the child's legal
2277 representatives shall qualify for inheritance from or through the [father
2278 if (1) the father's paternity was established by a written
2279 acknowledgment of paternity under section 46b-172, or (2) the father's
2280 paternity has been adjudicated by a court of competent jurisdiction
2281 under chapter 815y] parent if parentage is established in accordance
2282 with the provisions of the Connecticut Parentage Act or by adoption. If
2283 parentage is based on subdivision (3) of subsection (a) of section 36 or
2284 sections 40 to 50, inclusive, of the Connecticut Parentage Act, parentage
2285 shall be established by a voluntary acknowledgment of parentage under
2286 sections 24 to 35, inclusive, of the Connecticut Parentage Act, or by court

2287 adjudication.

2288 Sec. 104. Section 45a-438b of the general statutes is repealed and the
2289 following is substituted in lieu thereof (*Effective January 1, 2022*):

2290 Except as provided in section 45a-731, for the purposes of this
2291 chapter, a [father and his kindred] parent and the parent's kindred shall
2292 qualify for inheritance from or through a child [who was born out of
2293 wedlock if (1) the father's paternity was established by a written
2294 acknowledgment of paternity under section 46b-172, or (2) the father's
2295 paternity has been adjudicated by a court of competent jurisdiction
2296 under chapter 815y] if parentage is established in accordance with the
2297 provisions of the Connecticut Parentage Act or by adoption. If parentage
2298 is based on subdivision (3) of subsection (a) of section 36 or sections 40
2299 to 50, inclusive, of the Connecticut Parentage Act, parentage shall be
2300 established by a voluntary acknowledgment of parentage under
2301 sections 24 to 35, inclusive, of the Connecticut Parentage Act, or by court
2302 adjudication.

2303 Sec. 105. Section 45a-604 of the general statutes is repealed and the
2304 following is substituted in lieu thereof (*Effective January 1, 2022*):

2305 As used in sections 45a-603 to 45a-622, inclusive:

2306 (1) "Mother" means a woman who [can show proof by means of a
2307 birth certificate or other sufficient evidence of having given birth to a
2308 child and an adoptive mother as shown by a decree of a court of
2309 competent jurisdiction or otherwise] is a parent as defined in section 2
2310 of this act;

2311 (2) "Father" means a man who is a [father under the law of this state
2312 including a man who, in accordance with section 46b-172, executes a
2313 binding acknowledgment of paternity and a man determined to be a
2314 father under chapter 815y] parent as defined by section 2 of this act;

2315 (3) "Parent" [means a mother as defined in subdivision (1) of this
2316 section or a "father" as defined in subdivision (2) of this section] has the

2317 same meaning as provided in section 2 of this act;

2318 (4) "Minor" or "minor child" means a person under the age of
2319 eighteen;

2320 (5) "Guardianship" means guardianship of the person of a minor, and
2321 includes: (A) The obligation of care and control; (B) the authority to
2322 make major decisions affecting the minor's education and welfare,
2323 including, but not limited to, consent determinations regarding
2324 marriage, enlistment in the armed forces and major medical, psychiatric
2325 or surgical treatment; and (C) upon the death of the minor, the authority
2326 to make decisions concerning funeral arrangements and the disposition
2327 of the body of the minor;

2328 (6) "Guardian" means a person who has the authority and obligations
2329 of "guardianship", as defined in subdivision (5) of this section;

2330 (7) "Termination of parental rights" means the complete severance by
2331 court order of the legal relationship, with all its rights and
2332 responsibilities, between the child and the child's parent or parents so
2333 that the child is free for adoption, except that it shall not affect the right
2334 of inheritance of the child or the religious affiliation of the child;

2335 (8) "Permanent guardianship" means a guardianship, as defined in
2336 subdivision (5) of this section, that is intended to endure until the minor
2337 reaches the age of majority without termination of the parental rights of
2338 the minor's parents; and

2339 (9) "Permanent guardian" means a person who has the authority and
2340 obligations of a permanent guardianship, as defined in subdivision (8)
2341 of this section.

2342 Sec. 106. Section 45a-707 of the general statutes is repealed and the
2343 following is substituted in lieu thereof (*Effective January 1, 2022*):

2344 As used in sections 45a-187, 45a-706 to 45a-709, inclusive, 45a-715 to
2345 45a-718, inclusive, and 45a-724 to 45a-737, inclusive:

2346 (1) "Adoption" means the establishment by court order of the legal
2347 relationship of parent and child;

2348 (2) "Child care facility" means a congregate residential setting for the
2349 out-of-home placement of children or youths under eighteen years of
2350 age, licensed by the Department of Children and Families;

2351 (3) "Child-placing agency" means any agency within or without the
2352 state of Connecticut licensed or approved by the Commissioner of
2353 Children and Families in accordance with sections 17a-149 and 17a-151,
2354 and in accordance with standards established by regulations of the
2355 Commissioner of Children and Families;

2356 (4) "Guardianship" means guardianship, unless otherwise specified,
2357 of the person of a minor and refers to the obligation of care and control,
2358 the right to custody and the duty and authority to make major decisions
2359 affecting the minor's welfare, including, but not limited to, consent
2360 determinations regarding marriage, enlistment in the armed forces and
2361 major medical, psychiatric or surgical treatment;

2362 (5) "Parent" [means a biological or adoptive parent] has the same
2363 meaning as provided in section 2 of this act;

2364 (6) "Relative" means any person descended from a common ancestor,
2365 whether by blood or adoption, not more than three generations
2366 removed from the child;

2367 (7) "Statutory parent" means the Commissioner of Children and
2368 Families or the child-placing agency appointed by the court for the
2369 purpose of the adoption of a minor child or minor children;

2370 (8) "Termination of parental rights" means the complete severance by
2371 court order of the legal relationship, with all its rights and
2372 responsibilities, between the child and the child's parent or parents so
2373 that the child is free for adoption except it shall not affect the right of
2374 inheritance of the child or the religious affiliation of the child.

2375 Sec. 107. Section 45a-716 of the general statutes is repealed and the

2376 following is substituted in lieu thereof (*Effective January 1, 2022*):

2377 (a) Upon receipt of a petition for termination of parental rights, the
2378 Probate Court, or the Superior Court on a case transferred to it from the
2379 Probate Court in accordance with the provisions of subsection (g) of
2380 section 45a-715, shall set a time and place for hearing the petition. The
2381 time for hearing shall be not more than thirty days after the filing of the
2382 petition, except, in the case of a petition for termination of parental
2383 rights based on consent that is filed on or after October 1, 2004, the time
2384 for hearing shall be not more than twenty days after the filing of such
2385 petition.

2386 (b) The court shall cause notice of the hearing to be given to the
2387 following persons, as applicable: (1) The minor child, if age twelve or
2388 older; (2) the parent or parents of the minor child, including any parent
2389 who has been removed as guardian; (3) the [father] alleged genetic
2390 parent of any minor child born [out of wedlock] to parents not married
2391 to each other, provided at the time of the filing of the petition (A) [he]
2392 the alleged genetic parent has been adjudicated the [father] parent of
2393 such child by a court of competent jurisdiction, (B) [he] the alleged
2394 genetic parent has acknowledged in writing that [he] the alleged genetic
2395 parent is the [father] parent of such child, (C) [he] the alleged genetic
2396 parent has contributed regularly to the support of such child, (D) [his]
2397 the name of the alleged genetic parent appears on the birth certificate,
2398 (E) [he] the alleged genetic parent has filed a claim for [paternity]
2399 parentage as provided under section 46b-172a, as amended by this act,
2400 or (F) [he] the alleged genetic parent has been named in the petition as
2401 the [father] parent of the child by the [mother] parent who gave birth;
2402 (4) the guardian or any other person whom the court deems appropriate;
2403 (5) the Commissioner of Children and Families; and (6) the Attorney
2404 General. The Attorney General may file an appearance and shall be and
2405 remain a party to the action if the child is receiving or has received aid
2406 or care from the state, or if the child is receiving child support
2407 enforcement services, as defined in subdivision (2) of subsection (b) of
2408 section 46b-231, as amended by this act. If the recipient of the notice is a
2409 person described in subdivision (2) or (3) of this subsection or is any

2410 other person whose parental rights are sought to be terminated in the
2411 petition, the notice shall contain a statement that the respondent has the
2412 right to be represented by counsel and that if the respondent is unable
2413 to pay for counsel, counsel will be appointed for the respondent. The
2414 reasonable compensation for such counsel shall be established by, and
2415 paid from funds appropriated to, the Judicial Department, except that
2416 in the case of a Probate Court matter, if funds have not been included in
2417 the budget of the Judicial Department for such purposes, such
2418 compensation shall be established by the Probate Court Administrator
2419 and paid from the Probate Court Administration Fund.

2420 (c) Except as provided in subsection (d) of this section, notice of the
2421 hearing and a copy of the petition, certified by the petitioner, the
2422 petitioner's agent or attorney, or the clerk of the court, shall be served
2423 not less than ten days before the date of the hearing by personal service
2424 or service at the person's usual place of abode on the persons
2425 enumerated in subsection (b) of this section who are within the state,
2426 and by first class mail on the Commissioner of Children and Families
2427 and the Attorney General. If the address of any person entitled to
2428 personal service or service at the person's usual place of abode is
2429 unknown, or if personal service or service at the person's usual place of
2430 abode cannot be reasonably effected within the state, or if any person
2431 enumerated in subsection (b) of this section is out of the state, a judge or
2432 the clerk of the court shall order notice to be given by registered or
2433 certified mail, return receipt requested, or by publication not less than
2434 ten days before the date of the hearing. Any such publication shall be in
2435 a newspaper of general circulation in the place of the last-known
2436 address of the person to be notified, whether within or without this
2437 state, or, if no such address is known, in the place where the petition has
2438 been filed.

2439 (d) In any proceeding pending in the Probate Court, in lieu of
2440 personal service on, or at the usual place of abode of, [a parent or the
2441 father of a child born out of wedlock] an alleged genetic parent of a child
2442 born to parents not married to each other who is either a petitioner or
2443 who signs under penalty of false statement a written waiver of personal

2444 service on a form provided by the Probate Court Administrator, the
2445 court may order notice to be given by first class mail not less than ten
2446 days before the date of the hearing. If such delivery cannot reasonably
2447 be effected, or if the whereabouts of the parents is unknown, notice shall
2448 be ordered to be given by publication as provided in subsection (c) of
2449 this section.

2450 Sec. 108. Subsection (c) of section 45a-717 of the general statutes is
2451 repealed and the following is substituted in lieu thereof (*Effective January*
2452 *1, 2022*):

2453 (c) The court shall, if a claim for [paternity] parentage has been filed
2454 by an alleged genetic parent in accordance with section 46b-172a, as
2455 amended by this act, continue the hearing under the provisions of this
2456 section until the claim for [paternity] parentage is adjudicated, provided
2457 the court may combine the hearing on the claim for [paternity]
2458 parentage with the hearing on the termination of parental rights
2459 petition.

2460 Sec. 109. Section 46b-1 of the general statutes is repealed and the
2461 following is substituted in lieu thereof (*Effective January 1, 2022*):

2462 Matters within the jurisdiction of the Superior Court deemed to be
2463 family relations matters shall be matters affecting or involving: (1)
2464 Dissolution of marriage, contested and uncontested, except dissolution
2465 upon conviction of crime as provided in section 46b-47; (2) legal
2466 separation; (3) annulment of marriage; (4) alimony, support, custody
2467 and change of name incident to dissolution of marriage, legal separation
2468 and annulment; (5) actions brought under section 46b-15; (6) complaints
2469 for change of name; (7) civil support obligations; (8) habeas corpus and
2470 other proceedings to determine the custody and visitation of children;
2471 (9) habeas corpus brought by or on behalf of any mentally ill person
2472 except a person charged with a criminal offense; (10) appointment of a
2473 commission to inquire whether a person is wrongfully confined as
2474 provided by section 17a-523; (11) juvenile matters as provided in section
2475 46b-121, as amended by this act; (12) all rights and remedies provided

2476 for in chapter 815j; (13) the establishing of [paternity] parentage; (14)
2477 appeals from probate concerning: (A) Adoption or termination of
2478 parental rights; (B) appointment and removal of guardians; (C) custody
2479 of a minor child; (D) appointment and removal of conservators; (E)
2480 orders for custody of any child; and (F) orders of commitment of persons
2481 to public and private institutions and to other appropriate facilities as
2482 provided by statute; (15) actions related to prenuptial and separation
2483 agreements and to matrimonial and civil union decrees of a foreign
2484 jurisdiction; (16) dissolution, legal separation or annulment of a civil
2485 union performed in a foreign jurisdiction; (17) custody proceedings
2486 brought under the provisions of chapter 815p; and (18) all such other
2487 matters within the jurisdiction of the Superior Court concerning
2488 children or family relations as may be determined by the judges of said
2489 court.

2490 Sec. 110. Subsection (b) of section 46b-6a of the general statutes is
2491 repealed and the following is substituted in lieu thereof (*Effective January*
2492 *1, 2022*):

2493 (b) In a family relations matter, as defined in section 46b-1, as
2494 amended by this act, if a court orders that a child undergo treatment
2495 from a qualified, licensed health care provider, the court shall permit the
2496 parent or legal guardian of such child to select a qualified, licensed
2497 health care provider to provide such treatment. Except in a case where
2498 [one of the parents] a parent has been awarded sole custody, if [both]
2499 the parents do not agree on the selection of a qualified, licensed health
2500 care provider to provide such treatment to a child, the court shall
2501 continue the matter for two weeks to allow the parents an opportunity
2502 to jointly select a qualified, licensed health care provider. If after the
2503 two-week period, the parents have not reached an agreement on the
2504 selection of a qualified, licensed health care provider, the court shall
2505 select such provider after giving due consideration to the health
2506 insurance coverage and financial resources available to such parents.

2507 Sec. 111. Section 46b-45a of the general statutes is repealed and the
2508 following is substituted in lieu thereof (*Effective January 1, 2022*)

2509 (a) If, during the pendency of a dissolution or annulment of marriage,
2510 [the wife] a spouse is pregnant, [she] such spouse may so allege in the
2511 pleadings. The parties may in their pleadings allege and answer that the
2512 child born of the pregnancy will or will not be [issue] a child of the
2513 marriage.

2514 (b) If the parties to a dissolution or annulment of marriage disagree
2515 as to [whether or not the husband is the father of] the parentage of the
2516 spouse who did not give birth to the child born of the pregnancy, the
2517 court shall hold a hearing within a reasonable period after the birth of
2518 the child to determine [paternity] parentage.

2519 Sec. 112. Section 46b-55 of the general statutes is repealed and the
2520 following is substituted in lieu thereof (*Effective January 1, 2022*):

2521 [(a)] The Attorney General shall be and remain a party to any action
2522 for dissolution of marriage, legal separation or annulment, and to any
2523 proceedings after judgment in such action, if any party to the action, or
2524 any child of any party, is receiving or has received aid or care from the
2525 state. The Attorney General may also be a party to such action for the
2526 purpose of establishing, enforcing or modifying an order for support or
2527 alimony if any party to the action is receiving support enforcement
2528 services pursuant to Title IV-D of the Social Security Act.

2529 [(b) If any child born during a marriage, which is terminated by a
2530 divorce decree or decree of dissolution of marriage, is found not to be
2531 issue of such marriage, the child or his representative may bring an
2532 action in the Superior Court to establish the paternity of the child within
2533 one year after the date of the judgment of divorce or decree of
2534 dissolution of the marriage of his natural mother, notwithstanding the
2535 provisions of section 46b-160.]

2536 Sec. 113. Section 46b-60 of the general statutes is repealed and the
2537 following is substituted in lieu thereof (*Effective January 1, 2022*):

2538 In connection with any petition for annulment under this chapter, the
2539 Superior Court may make such order regarding any child of the

2540 marriage and concerning alimony as it might make in an action for
2541 dissolution of marriage. The issue of any void or voidable marriage shall
2542 be deemed [legitimate] a child of the marriage. Any child born before,
2543 on or after October 1, 1976, whose birth occurred prior to the marriage
2544 of his parents shall be deemed a child of the marriage.

2545 Sec. 114. Section 46b-61 of the general statutes is repealed and the
2546 following is substituted in lieu thereof (*Effective January 1, 2022*):

2547 (a) In all cases in which the parents of a minor child live separately,
2548 the superior court for the judicial district where [either] any parent
2549 resides may, on the application of [either] any parent and after notice is
2550 given to the other parent or parents, make any order as to the custody,
2551 care, education, visitation and support of any minor child of the parents,
2552 subject to the provisions of sections 46b-54, 46b-56, 46b-57 and 46b-66.
2553 Proceedings to obtain such orders shall be commenced by service of an
2554 application, a summons and an order to show cause. An applicant shall
2555 file the accompanying documents with the court not later than the first
2556 date for which the matter appears on the docket.

2557 (b) As used in this section, "accompanying documents" means
2558 documents that establish an existing legal relationship between the
2559 parents and the child for whom an application for custody, care,
2560 education, visitation and support is made under this section.
2561 "Accompanying documents" include, but are not limited to, a copy of a
2562 birth certificate naming the applicant and the respondent as the parents
2563 of the child, a copy of a properly executed acknowledgment of
2564 [paternity] parentage, a court order or decree naming the legally
2565 responsible parents, including adoptive parents, a [gestational]
2566 surrogacy agreement as defined in section 7-36, as amended by this act,
2567 documents showing that the minor child was born during the parents'
2568 wedlock or other sufficient evidence within the discretion of the court.

2569 Sec. 115. Subsections (a) and (b) of section 46b-62 of the general
2570 statutes are repealed and the following is substituted in lieu thereof
2571 (*Effective January 1, 2022*):

2572 (a) In any proceeding seeking relief under the provisions of this
2573 chapter and sections 17b-743, 17b-744, [45a-257] 45a-257b, as amended
2574 by this act, 46b-1, as amended by this act, 46b-6, 46b-301 to 46b-425,
2575 inclusive, 47-14g, 51-348a and 52-362, the court may order either spouse
2576 or, if such proceeding concerns the custody, care, education, visitation
2577 or support of a minor child, [either] any parent to pay the reasonable
2578 attorney's fees of the other in accordance with their respective financial
2579 abilities and the criteria set forth in section 46b-82. If, in any proceeding
2580 under this chapter and said sections, the court appoints counsel or a
2581 guardian ad litem for a minor child, the court may order [the father,
2582 mother] a parent or an intervening party, individually or in any
2583 combination, to pay the reasonable fees of such counsel or guardian ad
2584 litem or may order the payment of such counsel's or guardian ad litem's
2585 fees in whole or in part from the estate of the child. If the child is
2586 receiving or has received state aid or care, the compensation of such
2587 counsel or guardian ad litem shall be established and paid by the Public
2588 Defender Services Commission.

2589 (b) If, in any proceeding under this chapter and sections 17b-743, 17b-
2590 744, [45a-257] 45a-257b, as amended by this act, 46b-1, as amended by
2591 this act, 46b-6, 46b-301 to 46b-425, inclusive, 47-14g, 51-348a and 52-362,
2592 the court appoints counsel or a guardian ad litem for a minor child, the
2593 court may not order [the father, mother] a parent or an intervening
2594 party, individually or in any combination, to pay the reasonable fees of
2595 such counsel or guardian ad litem from a college savings account,
2596 including any account established pursuant to any qualified tuition
2597 program, as defined in Section 529(b) of the Internal Revenue Code, that
2598 has been established for the benefit of the minor child. If the court
2599 determines that [the father, mother] a parent or an intervening party
2600 does not have the ability to pay such reasonable fees, the court shall not
2601 order that such reasonable fees be paid by such persons through the use
2602 of a credit card. In addition, any order for the payment of such
2603 reasonable fees shall be limited to income or assets that are not exempt
2604 property under sections 52-352a and 52-352b.

2605 Sec. 116. Subdivision (1) of subsection (b) of section 46b-121 of the

2606 general statutes is repealed and the following is substituted in lieu
2607 thereof (*Effective January 1, 2022*):

2608 (b) (1) In juvenile matters, the Superior Court shall have authority to
2609 make and enforce such orders directed to parents, including any person
2610 who acknowledges before the court [paternity] parentage of a child born
2611 [out of wedlock] to parents not married to each other, guardians,
2612 custodians or other adult persons owing some legal duty to a child
2613 therein, as the court deems necessary or appropriate to secure the
2614 welfare, protection, proper care and suitable support of a child subject
2615 to the court's jurisdiction or otherwise committed to or in the custody of
2616 the Commissioner of Children and Families. The Superior Court may
2617 order a local or regional board of education to provide to the court
2618 educational records of a child for the purpose of determining the need
2619 for services or placement of the child. In proceedings concerning a child
2620 charged with a delinquent act or with being from a family with service
2621 needs, records produced subject to such an order shall be maintained
2622 under seal by the court and shall be released only after a hearing or with
2623 the consent of the child. Educational records obtained pursuant to this
2624 section shall be used only for dispositional purposes. In addition, with
2625 respect to proceedings concerning delinquent children, the Superior
2626 Court shall have authority to make and enforce such orders as the court
2627 deems necessary or appropriate to provide individualized supervision,
2628 care, accountability and treatment to such child in a manner consistent
2629 with public safety, deter the child from the commission of further
2630 delinquent acts, ensure that the child is responsive to the court process,
2631 ensure that the safety of any other person will not be endangered and
2632 provide restitution to any victim. The Superior Court shall also have
2633 authority to grant and enforce temporary and permanent injunctive
2634 relief in all proceedings concerning juvenile matters.

2635 Sec. 117. Subsection (c) of section 46b-129 of the general statutes is
2636 repealed and the following is substituted in lieu thereof (*Effective January*
2637 *1, 2022*):

2638 (c) The preliminary hearing on the order of temporary custody or

2639 order to appear or the first hearing on a petition filed pursuant to
2640 subsection (a) of this section shall be held in order for the court to:

2641 (1) Advise the parent or guardian of the allegations contained in all
2642 petitions and applications that are the subject of the hearing and the
2643 parent's or guardian's right to counsel pursuant to subsection (b) of
2644 section 46b-135;

2645 (2) Ensure that an attorney, and where appropriate, a separate
2646 guardian ad litem has been appointed to represent the child or youth in
2647 accordance with subsection (b) of section 51-296a and sections 46b-129a
2648 and 46b-136;

2649 (3) Upon request, appoint an attorney to represent the respondent
2650 when the respondent is unable to afford representation, in accordance
2651 with subsection (b) of section 51-296a;

2652 (4) Advise the parent or guardian of the right to a hearing on the
2653 petitions and applications, to be held not later than ten days after the
2654 date of the preliminary hearing if the hearing is pursuant to an order of
2655 temporary custody or an order to show cause;

2656 (5) Accept a plea regarding the truth of the allegations;

2657 (6) Make any interim orders, including visitation orders, that the
2658 court determines are in the best interests of the child or youth. The court,
2659 after a hearing pursuant to this subsection, shall order specific steps the
2660 commissioner and the parent or guardian shall take for the parent or
2661 guardian to regain or to retain custody of the child or youth;

2662 (7) Take steps to determine the identity of the [father] alleged genetic
2663 parent of the child or youth, including, if necessary, inquiring of the
2664 [mother] birth parent of the child or youth, under oath, as to the identity
2665 and address of any person who might be the [father] genetic parent of
2666 the child or youth and ordering genetic testing, and order service of the
2667 petition and notice of the hearing date, if any, to be made upon [him]
2668 such alleged genetic parent;

2669 (8) If the person named as the [father] alleged genetic parent appears
2670 and admits that [he] such person is the [father, provide him] genetic
2671 parent, provide such person and the [mother] birth parent with the
2672 notices that comply with section 17b-27, as amended by this act, and
2673 provide them with the opportunity to sign [a paternity
2674 acknowledgment and affirmation] an acknowledgment of parentage on
2675 forms that comply with section 17b-27, as amended by this act. Such
2676 documents shall be executed and filed in accordance with chapter 815y
2677 and a copy delivered to the clerk of the superior court for juvenile
2678 matters. The clerk of the superior court for juvenile matters shall send
2679 the original [paternity acknowledgment and affirmation]
2680 acknowledgment of parentage to the Department of Public Health for
2681 filing in the [paternity] parentage registry maintained under section 19a-
2682 42a, as amended by this act, and shall maintain a copy of the [paternity
2683 acknowledgment and affirmation] acknowledgment of parentage in the
2684 court file;

2685 (9) If the person named as [a father] an alleged genetic parent appears
2686 and denies that [he is the father] such person is the genetic parent of the
2687 child or youth, order genetic testing to determine [paternity] parentage
2688 in accordance with [section 46b-168. If the results of the genetic tests
2689 indicate a ninety-nine per cent or greater probability that the person
2690 named as father is the father of the child or youth, such results shall
2691 constitute a rebuttable presumption that the person named as father is
2692 the father of the child or youth, provided the court finds evidence that
2693 sexual intercourse occurred between the mother and the person named
2694 as father during the period of time in which the child was conceived. If
2695 the court finds such rebuttable presumption, the court may issue
2696 judgment adjudicating paternity after providing the father an
2697 opportunity for a hearing] the Connecticut Parentage Act. The clerk of
2698 the court shall send a certified copy of any judgment adjudicating
2699 [paternity] parentage to the Department of Public Health for filing in the
2700 [paternity] parentage registry maintained under section 19a-42a, as
2701 amended by this act. If the results of the genetic tests indicate that the
2702 person named as [father] the alleged genetic parent is not the [biological

2703 father] genetic parent of the child or youth, the court shall enter a
2704 judgment that [he] such person is not the [father] genetic parent and the
2705 court shall remove [him] such person from the case and afford [him]
2706 such person no further standing in the case or in any subsequent
2707 proceeding regarding the child or youth;

2708 (10) Identify any person or persons related to the child or youth by
2709 blood, [or] marriage or law residing in this state who might serve as
2710 licensed foster parents or temporary custodians and order the
2711 Commissioner of Children and Families to investigate and report to the
2712 court, not later than thirty days after the preliminary hearing, the
2713 appropriateness of placing the child or youth with such relative or
2714 relatives; and

2715 (11) In accordance with the provisions of the Interstate Compact on
2716 the Placement of Children pursuant to section 17a-175, identify any
2717 person or persons related to the child or youth by blood, [or] marriage
2718 or law residing out of state who might serve as licensed foster parents
2719 or temporary custodians, and order the Commissioner of Children and
2720 Families to investigate and determine, within a reasonable time, the
2721 appropriateness of placing the child or youth with such relative or
2722 relatives.

2723 Sec. 118. Section 46b-160 of the general statutes is repealed and the
2724 following is substituted in lieu thereof (*Effective January 1, 2022*):

2725 [(a) (1) (A) Proceedings to establish paternity of a child born or
2726 conceived out of lawful wedlock, including one born to, or conceived
2727 by, a married woman but begotten by a man other than her husband,
2728 shall be commenced by the service on the putative father of a verified
2729 petition of the mother or expectant mother. Such petition may be
2730 brought at any time prior to the child's eighteenth birthday, provided
2731 liability for past support shall be limited to the three years next
2732 preceding the date of the filing of any such petition.

2733 (B) In cases involving public assistance recipients, the petition shall
2734 also be served upon the Attorney General who shall be and remain a

2735 party to any paternity proceeding and to any proceedings after
2736 judgment in such action.

2737 (2) The verified petition, summons and order shall be filed in the
2738 superior court for the judicial district in which either she or the putative
2739 father resides, except that in IV-D support cases, as defined in
2740 subdivision (13) of subsection (b) of section 46b-231, and in petitions
2741 brought under sections 46b-301 to 46b-425, inclusive, such petition shall
2742 be filed with the clerk for the Family Support Magistrate Division
2743 serving the judicial district where either she or the putative father
2744 resides.]

2745 [(3) (A) The] (a) (1) (A) Except for petitions in uncontested actions
2746 brought pursuant to sections 59, 70 and 74 of this act, when a petition to
2747 adjudicate parentage pursuant to section 37 of this act or sections 40 to
2748 77, inclusive, of this act, is filed, the court, or any judge or family support
2749 magistrate assigned to [said] the court, shall cause a summons, signed
2750 by such judge or magistrate, by the clerk of [said] the court, or by a
2751 commissioner of the Superior Court to be issued, requiring the [putative
2752 father] alleged parent to appear in court at a time and place as
2753 determined by the clerk but not more than ninety days after the issuance
2754 of the summons to show cause why the request for relief in such petition
2755 should not be granted.

2756 (B) A state marshal, proper officer or investigator shall make due
2757 return of process to the court not less than twenty-one days before the
2758 date assigned for hearing. In the case of a child or [expectant mother]
2759 pregnant person being supported wholly or in part by the state, service
2760 of such petition may be made by any investigator employed by the
2761 Department of Social Services and any proper officer authorized by law.

2762 [(4)] (2) If the [putative father] alleged parent fails to appear in court
2763 at such time and place, the court or family support magistrate shall hear
2764 the petitioner and, upon a finding that process was served on the
2765 [putative father] alleged parent, shall enter a default judgment of
2766 [paternity] parentage against such [father] parent and such other orders

2767 as the facts may warrant. [Such] In addition, such court or family
2768 support magistrate may order [continuance of] that such hearing [; and
2769 if such mother or expectant mother continues constant in her accusation,
2770 it shall be evidence that the respondent is the father of such child] be
2771 continued. The court or family support magistrate shall, upon motion
2772 by a party, issue an order for temporary support of the child by the
2773 respondent pending a final judgment of the issue of [paternity]
2774 parentage if such court or magistrate finds that there is clear and
2775 convincing evidence of [paternity] parentage which evidence in cases
2776 involving alleged genetic parents shall include, but not be limited to,
2777 genetic test results [indicating a ninety-nine per cent or greater
2778 probability that such respondent is the father of the child] that meet the
2779 requirements of section 45 of this act.

2780 (b) If the [putative father] alleged parent resides out of or is absent
2781 from the state, notice required for the exercise of jurisdiction over such
2782 [putative father] alleged parent shall be actual notice, and shall be in the
2783 manner prescribed for personal service of process by the law of the place
2784 in which service is made.

2785 (c) In any proceeding to establish [paternity] parentage, the court or
2786 family support magistrate may exercise personal jurisdiction over a
2787 nonresident [putative father] alleged parent if the court or magistrate
2788 finds that the [putative father] alleged parent was personally served in
2789 this state or that the [putative father] alleged parent resided in this state
2790 and while residing in this state (1) paid prenatal expenses for the
2791 [mother] birth parent and support for the child, (2) resided with the
2792 child and held himself or herself out as the [father] parent of the child,
2793 or (3) paid support for the child and held himself or herself out as the
2794 [father] parent of the child, provided the nonresident [putative father]
2795 alleged parent has received actual notice of the pending petition for
2796 [paternity] parentage pursuant to this subsection. [(c) of this section.]

2797 (d) The petition, when served pursuant to subsection (c) of this
2798 section, shall be accompanied by an answer form, a notice to the
2799 [putative father] alleged parent and an application for appointment of

2800 counsel, written in clear and simple language designed for use by pro
2801 se defendants.

2802 (e) (1) The answer form shall require the [putative father] alleged
2803 parent to indicate whether [he] the alleged parent admits or denies that
2804 [he is the father, denies that he is the father] the alleged parent is a parent
2805 or does not know whether [he is the father] the alleged parent is a parent
2806 of the child. Any response to the answer form shall not be deemed to
2807 waive any jurisdictional defense.

2808 (2) The notice to the [putative father shall inform him] alleged parent
2809 shall inform the alleged parent that (A) [he] the alleged parent has a
2810 right to be represented by an attorney, and if [he] the alleged parent is
2811 indigent, the court will appoint an attorney for [him] such parent, (B) if
2812 [he] the alleged parent is found to be the [father, he] parent, the alleged
2813 parent will be required to financially support the child until the child
2814 attains the age of eighteen years, (C) if [he] the alleged parent does not
2815 admit [he is the father] parentage and such person is alleged to be a
2816 genetic parent, the court or family support magistrate may, pursuant to
2817 section 44 of this act, order a genetic test to determine [paternity]
2818 parentage and that the cost of such test shall be paid by the state in IV-
2819 D support cases, and in non-IV-D cases shall be paid by the petitioner,
2820 except that if [he] the alleged parent is subsequently adjudicated to be
2821 the [father] parent of the child, [he] such person shall be liable to the
2822 state or the petitioner, as the case may be, for the amount of such cost,
2823 and (D) if [he] the alleged parent fails to return the answer form or fails
2824 to appear for a scheduled genetic test without good cause, a default
2825 judgment of parentage shall be entered.

2826 (3) The application for appointment of counsel shall include a
2827 financial affidavit.

2828 (f) If the court or family support magistrate may exercise personal
2829 jurisdiction over the nonresident [putative father] alleged parent
2830 pursuant to subsection (d) of this section and the answer form is
2831 returned and the [putative father] alleged parent does not admit

2832 [paternity] parentage, in cases in which the alleged parent is an alleged
2833 genetic parent, the court shall order [the mother, the child and the
2834 putative father to submit to] genetic tests pursuant to section 42 of this
2835 act. Such order shall be served upon the [putative father] alleged parent
2836 in the same manner as provided in subsection (c) of this section. [The
2837 genetic test of the putative father, unless he requests otherwise,] Unless
2838 the alleged genetic parent requests otherwise, the genetic test of the
2839 alleged genetic parent shall be made in the state where the [putative
2840 father] alleged genetic parent resides at a location convenient to him or
2841 her. The costs of such test shall be paid by the state in IV-D support
2842 cases, and in non-IV-D cases shall be paid by the petitioner, except that
2843 if the [putative father] alleged genetic parent is subsequently
2844 adjudicated the [father] parent of the child, [he] such person shall be
2845 liable to the state or the petitioner, as the case may be, for the amount of
2846 the costs.

2847 (g) The court or family support magistrate shall enter a default
2848 judgment against a nonresident [putative father] alleged parent if such
2849 [putative father] alleged parent (1) fails to answer or otherwise respond
2850 to the petition, or (2) in cases in which the alleged parent is an alleged
2851 genetic parent, fails to appear for a scheduled genetic test without good
2852 cause, provided a default judgment shall not be entered against a
2853 nonresident [putative father] alleged parent unless (A) there is evidence
2854 that the nonresident [putative father] alleged parent has received actual
2855 notice of the petition pursuant to subsection [(c)] (b) of this section and
2856 (B) there is verification that the process served upon the [putative father]
2857 alleged parent included the answer form, notice to the defendant and an
2858 application for appointment of counsel required by subsection [(e)] (d)
2859 of this section. Upon entry of a default judgment, a copy of the judgment
2860 and a form for a motion to reopen shall be served upon the [father]
2861 adjudicated parent in the same manner as provided in subsection [(c)]
2862 (b) of this section.

2863 Sec. 119. Section 46b-161 of the general statutes is repealed and the
2864 following is substituted in lieu thereof (*Effective January 1, 2022*)

2865 In the case of any such petition brought prior to the birth of the child,
2866 no final trial on the issue of [paternity] the alleged parent's parentage
2867 shall be had, except as to hearing on probable cause, until after the birth
2868 of the child. In such hearing on probable cause the court, on the day on
2869 which the defendant has been summoned to appear, shall determine
2870 whether probable cause exists, and if so, the court shall order the
2871 defendant to become bound to the complainant, with surety to appear
2872 on a date certain for final determination, or further continuance as
2873 circumstances may then require.

2874 Sec. 120. Section 46b-162 of the general statutes is repealed and the
2875 following is substituted in lieu thereof (*Effective January 1, 2022*):

2876 The state or any town interested in the support of a child born [out of
2877 wedlock may, if the mother] to parents not married to each other may,
2878 if the parent who gave birth neglects to bring [such] a petition, institute
2879 such proceedings against the [person accused of begetting the child]
2880 alleged parent, and may take up and pursue any petition commenced
2881 by the [mother] parent who gave birth for the maintenance of the child,
2882 if [she] the parent who gave birth fails to prosecute to final judgment.
2883 [Such] The petition may be made by the Commissioner of Social Services
2884 [or the town welfare administrator] on information or belief. The
2885 [mother of] parent who gave birth to the child may be subpoenaed for
2886 testimony on the hearing of the petition.

2887 Sec. 121. Section 46b-165 of the general statutes is repealed and the
2888 following is substituted in lieu thereof (*Effective January 1, 2022*):

2889 [The mother of any child for whom adjudication of paternity is
2890 sought in paternity proceedings shall not be excused from testifying
2891 because her evidence may tend to disgrace or incriminate her; nor shall
2892 she thereafter] In parentage proceedings concerning a child for whom
2893 parentage is sought, a parent or alleged parent shall not be prosecuted
2894 for any criminal act about which (1) [she] the parent or alleged parent
2895 testifies in connection with such proceedings, or (2) [she] the parent or
2896 alleged parent makes any statement prior to such proceedings with

2897 respect to the issue of [paternity] parentage.

2898 Sec. 122. Section 46b-168 of the general statutes is repealed and the
2899 following is substituted in lieu thereof (*Effective January 1, 2022*):

2900 [(a) In any proceeding in which the question of paternity is at issue
2901 the court or a family support magistrate, on motion of any party, may
2902 order genetic tests which shall mean deoxyribonucleic acid tests, to be
2903 performed by a hospital, accredited laboratory, qualified physician or
2904 other qualified person designated by the court, to determine whether or
2905 not the putative father or husband is the father of the child. The results
2906 of such tests, whether ordered under this section or required by the IV-
2907 D agency under section 46b-168a, shall be admissible in evidence to
2908 either establish definite exclusion of the putative father or husband or
2909 as evidence that he is the father of the child without the need for
2910 foundation testimony or other proof of authenticity or accuracy, unless
2911 objection is made in writing not later than twenty days prior to the
2912 hearing at which such results may be introduced in evidence.

2913 (b) In any proceeding in which the question of paternity is at issue,
2914 the results of such genetic tests, whether ordered under this section or
2915 required by the IV-D agency under section 46b-168a, shall constitute a
2916 rebuttable presumption that the putative father is the father of the child
2917 if the results of such tests indicate a ninety-nine per cent or greater
2918 probability that he is the father of the child, provided the petitioner has
2919 presented evidence that sexual intercourse occurred between the
2920 mother and the putative father during the period of time in which the
2921 child was conceived.]

2922 [(c)] The costs of [making tests provided by this section] genetic tests
2923 carried out pursuant to the Connecticut Parentage Act shall be
2924 chargeable against the party making the motion for genetic tests,
2925 provided if the court finds that such party is a low-income obligor, as
2926 defined in the child support guidelines established pursuant to section
2927 46b-215a, or is otherwise indigent and unable to pay such costs, such
2928 costs shall be paid by the state.

2929 Sec. 123. Section 46b-168a of the general statutes is repealed and the
2930 following is substituted in lieu thereof (*Effective January 1, 2022*):

2931 (a) In any IV-D support case, as defined in subdivision (13) of
2932 subsection (b) of section 46b-231, in which the [paternity] parentage of a
2933 child is at issue, or in any case in which a support enforcement agency
2934 is providing services to a petitioner in a proceeding under sections 46b-
2935 301 to 46b-425, inclusive, in which the [paternity] parentage of a child is
2936 at issue, the IV-D agency or the support enforcement agency shall
2937 require the child and all other parties other than individuals who have
2938 good cause for refusing to cooperate or who are subject to other
2939 exceptions to submit to genetic tests [which shall mean
2940 deoxyribonucleic acid tests, to be performed by a hospital, accredited
2941 laboratory, qualified physician or other qualified person designated by
2942 such agency] in accordance with sections 40 to 50, inclusive, of this act,
2943 to determine whether or not the [putative father or husband is the father
2944 of the child] alleged genetic parent is the genetic parent of the child,
2945 upon the request of any such party, provided such request is supported
2946 by a sworn statement by the party which either (1) alleges [paternity]
2947 parentage and sets forth facts establishing a reasonable possibility of the
2948 requisite sexual contact between the parties, or (2) denies [paternity]
2949 parentage and sets forth facts establishing a reasonable possibility of the
2950 nonexistence of sexual contact between the parties.

2951 (b) The costs of making the tests provided by this section shall be paid
2952 by the state, except that if the [putative father] alleged genetic parent is
2953 the requesting party and [he] subsequently acknowledges [paternity]
2954 parentage or is adjudicated to be the [father] parent of the child, [he]
2955 such person shall be liable to the state for the amount of such costs
2956 unless [he] such person is found to be (1) a low-income obligor, as
2957 defined in the child support guidelines established pursuant to section
2958 46b-215a, or (2) otherwise indigent and unable to pay such costs. Any
2959 court or family support magistrate may order a [father] person who is
2960 found liable for genetic testing costs under this subsection to reimburse
2961 the state for the amount of such costs. The contesting party shall make
2962 advance payment for any additional testing required in the event of a

2963 contest of the original test results.

2964 (c) The Commissioner of Social Services shall adopt regulations, in
2965 accordance with the provisions of chapter 54, to establish criteria for
2966 determining (1) good cause or other exceptions for refusing to cooperate
2967 under subsection (a) of this section, which shall include, but not be
2968 limited to, domestic violence, sexual abuse and lack of information and
2969 shall take into account the best interests of the child, and (2) the
2970 sufficiency of the facts establishing a reasonable possibility of the
2971 existence or nonexistence of the requisite sexual contact between the
2972 parties, as required under subsection (a) of this section.

2973 Sec. 124. Section 46b-169 of the general statutes is repealed and the
2974 following is substituted in lieu thereof (*Effective January 1, 2022*):

2975 (a) If the [mother] birth parent of any child born [out of wedlock, or
2976 the mother of any child born to any married woman during marriage
2977 which child shall be found not to be issue of the marriage terminated by
2978 a decree of divorce or dissolution or by decree of any court of competent
2979 jurisdiction] to parents unmarried to each other, fails or refuses to
2980 disclose the name of the [putative father] alleged genetic parent of such
2981 child under oath to the Commissioner of Social Services, if such child is
2982 a recipient of public assistance, or otherwise to a guardian or a guardian
2983 ad litem of such child, such [mother] birth parent may be cited to appear
2984 before any judge of the Superior Court and compelled to disclose the
2985 name of the [putative father] alleged genetic parent under oath and to
2986 institute an action to establish the [paternity of said] parentage of such
2987 child. The criteria adopted by the Commissioner of Social Services
2988 pursuant to subsection (c) of section 46b-168a, as amended by this act,
2989 shall apply to establish good cause or other exceptions for refusing to
2990 cooperate with the provisions of this subsection.

2991 (b) Any [woman] birth parent who, having been cited to appear
2992 before a judge of the Superior Court pursuant to subsection (a) of this
2993 section, fails to appear or fails to disclose or fails to [prosecute a
2994 paternity] proceed with a parentage action may be found to be in

2995 contempt of court and may be fined not more than two hundred dollars
2996 or imprisoned not more than one year, or both.

2997 Sec. 125. Section 46b-170 of the general statutes is repealed and the
2998 following is substituted in lieu thereof (*Effective January 1, 2022*):

2999 No petition under section 46b-160, as amended by this act, shall be
3000 withdrawn except upon approval of a judge or in IV-D support cases as
3001 defined in subsection (b) of section 46b-231, as amended by this act, and
3002 petitions brought under sections 46b-301 to 46b-425, inclusive, the
3003 family support magistrate assigned to the judicial district in which the
3004 petition was brought. Any agreement of settlement, before or after a
3005 petition has been brought, other than an agreement made under the
3006 provisions of section 46b-172, as amended by this act, between the
3007 [mother and putative father] parent who gave birth and an alleged
3008 parent shall take effect only upon approval of the terms thereof by a
3009 judge of the Superior Court, or family support magistrate assigned to
3010 the judicial district in which the [mother or the putative father] parent
3011 who gave birth or the alleged parent resides and, in the case of children
3012 supported by the state or the town, on the approval of the Commissioner
3013 of Social Services or the Attorney General. When so approved, such
3014 agreements shall be binding upon all persons executing them, whether
3015 such person is a minor or an adult.

3016 Sec. 126. Subsections (a) and (b) of section 46b-171 of the general
3017 statutes are repealed and the following is substituted in lieu thereof
3018 (*Effective January 1, 2022*):

3019 (a) (1) (A) If the defendant is found to be the [father] parent of the
3020 child, the court or family support magistrate shall order the defendant
3021 to stand charged with the support and maintenance of such child, with
3022 the assistance of [the mother if such mother] any other parent if such
3023 parent is financially able, as the court or family support magistrate finds,
3024 in accordance with the provisions of subsection (b) of section 17b-179,
3025 or section 17a-90, 17b-81, 17b-223, 17b-745, 46b-129, as amended by this
3026 act, 46b-130 or 46b-215, as amended by this act, to be reasonably

3027 commensurate with the financial ability of the defendant, and to pay a
3028 certain sum periodically until the child attains the age of eighteen years
3029 or as otherwise provided in this subsection. If such child is unmarried
3030 and a full-time high school student, such support shall continue
3031 according to the parents' respective abilities, if such child is in need of
3032 support, until such child completes the twelfth grade or attains the age
3033 of nineteen, whichever occurs first.

3034 (B) The court or family support magistrate shall order the defendant
3035 to pay such sum to the complainant, or, if a town or the state has paid
3036 such expense, to the town or the state, as the case may be, and shall grant
3037 execution for the same and costs of suit taxed as in other civil actions,
3038 together with a reasonable attorney's fee, and may require the defendant
3039 to become bound with sufficient surety to perform such orders for
3040 support and maintenance. In IV-D support cases, the IV-D agency or a
3041 support enforcement agency under cooperative agreement with the IV-
3042 D agency may, upon notice to the obligor and obligee, redirect payments
3043 for the support of any child receiving child support enforcement
3044 services either to the state of Connecticut or to the present custodial
3045 party, as their interests may appear, provided neither the obligor nor the
3046 obligee objects in writing within ten business days from the mailing date
3047 of such notice. Any such notice shall be sent by first class mail to the
3048 most recent address of such obligor and obligee, as recorded in the state
3049 case registry pursuant to section 46b-218, as amended by this act, and a
3050 copy of such notice shall be filed with the court or family support
3051 magistrate if both the obligor and obligee fail to object to the redirected
3052 payments within ten business days from the mailing date of such notice.
3053 All payments made shall be distributed as required by Title IV-D of the
3054 Social Security Act.

3055 (2) In addition, the court or family support magistrate shall include
3056 in each support order in a IV-D support case a provision for the health
3057 care coverage of the child. Such provision may include an order for
3058 either parent or both parents to provide such coverage under any or all
3059 of subparagraphs (A), (B) or (C) of this subdivision.

3060 (A) The provision for health care coverage may include an order for
3061 either parent to name any child as a beneficiary of any medical or dental
3062 insurance or benefit plan carried by such parent or available to such
3063 parent at a reasonable cost as described in subparagraph (D) of this
3064 subdivision. If such order requires the parent to maintain insurance
3065 available through an employer, the order shall be enforced using a
3066 National Medical Support Notice as provided in section 46b-88.

3067 (B) The provision for health care coverage may include an order for
3068 either parent to: (i) Apply for and maintain coverage on behalf of the
3069 child under the HUSKY Plan, Part B; or (ii) provide cash medical
3070 support, as described in subparagraphs (E) and (F) of this subdivision.
3071 An order under this subparagraph shall be made only if the cost to the
3072 parent obligated to maintain coverage under the HUSKY Plan, Part B,
3073 or provide cash medical support is reasonable, as described in
3074 subparagraph (D) of this subdivision. An order under clause (i) of this
3075 subparagraph shall be made only if insurance coverage as described in
3076 subparagraph (A) of this subdivision is unavailable at reasonable cost to
3077 either parent, or inaccessible to the child.

3078 (C) An order for payment of the child's medical and dental expenses,
3079 other than those described in clause (ii) of subparagraph (E) of this
3080 subdivision, that are not covered by insurance or reimbursed in any
3081 other manner shall be entered in accordance with the child support
3082 guidelines established pursuant to section 46b-215a.

3083 (D) Health care coverage shall be deemed reasonable in cost if: (i) The
3084 parent obligated to maintain such coverage would qualify as a low-
3085 income obligor under the child support guidelines established pursuant
3086 to section 46b-215a, based solely on such parent's income, and the cost
3087 does not exceed five per cent of such parent's net income; or (ii) the
3088 parent obligated to maintain such coverage would not qualify as a low-
3089 income obligor under such guidelines and the cost does not exceed
3090 seven and one-half per cent of such parent's net income. In either case,
3091 net income shall be determined in accordance with the child support
3092 guidelines established pursuant to section 46b-215a. If a parent

3093 obligated to maintain insurance must obtain coverage for himself or
3094 herself to comply with the order to provide coverage for the child,
3095 reasonable cost shall be determined based on the combined cost of
3096 coverage for such parent and such child.

3097 (E) Cash medical support means (i) an amount ordered to be paid
3098 toward the cost of premiums for health insurance coverage provided by
3099 a public entity, including the HUSKY Plan, Part A or Part B, except as
3100 provided in subparagraph (F) of this subdivision, or by another parent
3101 through employment or otherwise, or (ii) an amount ordered to be paid,
3102 either directly to a medical provider or to the person obligated to pay
3103 such provider, toward any ongoing extraordinary medical and dental
3104 expenses of the child that are not covered by insurance or reimbursed in
3105 any other manner, provided such expenses are documented and
3106 identified specifically on the record. Cash medical support, as described
3107 in clauses (i) and (ii) of this subparagraph, may be ordered in lieu of an
3108 order under subparagraph (A) of this subdivision to be effective until
3109 such time as health insurance that is accessible to the child and
3110 reasonable in cost becomes available, or in addition to an order under
3111 subparagraph (A) of this subdivision, provided the total cost to the
3112 obligated parent of insurance and cash medical support is reasonable,
3113 as described in subparagraph (D) of this subdivision. An order for cash
3114 medical support shall be payable to the state or the custodial party, as
3115 their interests may appear, provided an order under clause (i) of this
3116 subparagraph shall be effective only as long as health insurance
3117 coverage is maintained. Any unreimbursed medical and dental
3118 expenses not covered by an order pursuant to clause (ii) of this
3119 subparagraph are subject to an order for unreimbursed medical and
3120 dental expenses pursuant to subparagraph (C) of this subdivision.

3121 (F) Cash medical support to offset the cost of any insurance payable
3122 under the HUSKY Plan, Part A or Part B, shall not be ordered against a
3123 noncustodial parent who is a low-income obligor, as defined in the child
3124 support guidelines established pursuant to section 46b-215a, or against
3125 a custodial parent of children covered under the HUSKY Plan, Part A or
3126 Part B.

3127 (3) The court or family support magistrate may also make and enforce
3128 orders for the payment by any person named herein of past-due support
3129 for which the defendant is liable in accordance with the provisions of
3130 section 17a-90 or 17b-81, subsection (b) of section 17b-179 or section 17b-
3131 223, 46b-129, as amended by this act, or 46b-130 and, in IV-D cases, order
3132 such person, provided such person is not incapacitated, to participate in
3133 work activities which may include, but shall not be limited to, job search,
3134 training, work experience and participation in the job training and
3135 retraining program established by the Labor Commissioner pursuant to
3136 section 31-3t. The defendant's liability for past-due support under this
3137 subdivision shall be limited to the three years next preceding the filing
3138 of the petition.

3139 (4) If the defendant fails to comply with any order made under this
3140 section, the court or family support magistrate may commit the
3141 defendant to a community correctional center, there to remain until the
3142 defendant complies therewith; but, if it appears that the [mother] parent
3143 receiving support does not apply the periodic allowance paid by the
3144 defendant toward the support of such child, and that such child is
3145 chargeable, or likely to become chargeable, to the town where it belongs,
3146 the court, on application, may discontinue such allowance to the
3147 [mother] parent receiving support, and may direct [it] such allowance
3148 to be paid to the selectmen of such town, for such support, and may
3149 issue execution in their favor for the same. The provisions of section
3150 17b-743 shall apply to this section. The clerk of the court which has
3151 rendered judgment for the payment of money for the maintenance of
3152 any child under the provisions of this section shall, within twenty-four
3153 hours after such judgment has been rendered, notify the selectmen of
3154 the town where the child belongs.

3155 (5) Any support order made under this section may at any time
3156 thereafter be set aside, altered or modified by any court issuing such
3157 order upon a showing of a substantial change in the circumstances of
3158 the defendant or [the mother] another parent of such child or upon a
3159 showing that such order substantially deviates from the child support
3160 guidelines established pursuant to section 46b-215a, unless there was a

3161 specific finding on the record that the application of the guidelines
3162 would be inequitable or inappropriate. There shall be a rebuttable
3163 presumption that any deviation of less than fifteen per cent from the
3164 child support guidelines is not substantial and any deviation of fifteen
3165 per cent or more from the guidelines is substantial. [Modification may
3166 be made of such support order without regard to whether the order was
3167 issued before, on or after May 9, 1991.] No such support orders may be
3168 subject to retroactive modification, except that the court may order
3169 modification with respect to any period during which there is a pending
3170 motion for a modification of an existing support order from the date of
3171 service of the notice of such pending motion upon the opposing party
3172 pursuant to section 52-50.

3173 (6) Failure of the defendant to obey any order for support made under
3174 this section may be punished as for contempt of court and the costs of
3175 commitment of any person imprisoned therefor shall be paid by the
3176 state as in criminal cases.

3177 (b) Whenever the Superior Court or family support magistrate
3178 reopens a judgment of [paternity] parentage entered pursuant to this
3179 section in which a person was found to be the [father] parent of a child
3180 who is or has been supported by the state and the court or family
3181 support magistrate finds that the person adjudicated the [father] parent
3182 is not the [father] parent of the child, the Department of Social Services
3183 shall refund to such person any money paid to the state by such person
3184 during the period such child was supported by the state.

3185 Sec. 127. Section 46b-172 of the general statutes is repealed and the
3186 following is substituted in lieu thereof (*Effective January 1, 2022*):

3187 [(a) (1) In lieu of or in conclusion of proceedings under section 46b-
3188 160, a written acknowledgment of paternity executed and sworn to by
3189 the putative father of the child when accompanied by (A) an attested
3190 waiver of the right to a blood test, the right to a trial and the right to an
3191 attorney, (B) a written affirmation of paternity executed and sworn to
3192 by the mother of the child, and (C) if the person subject to the

3193 acknowledgment of paternity is an adult eighteen years of age or older,
3194 a notarized affidavit affirming consent to the voluntary
3195 acknowledgment of paternity, shall have the same force and effect as a
3196 judgment of the Superior Court. It shall be considered a legal finding of
3197 paternity without requiring or permitting judicial ratification, and shall
3198 be binding on the person executing the same whether such person is an
3199 adult or a minor, subject to subdivision (2) of this subsection. Such
3200 acknowledgment shall not be binding unless, prior to the signing of any
3201 affirmation or acknowledgment of paternity, the mother and the
3202 putative father are given oral and written notice of the alternatives to,
3203 the legal consequences of, and the rights and responsibilities that arise
3204 from signing such affirmation or acknowledgment. The notice to the
3205 mother shall include, but shall not be limited to, notice that the
3206 affirmation of paternity may result in rights of custody and visitation,
3207 as well as a duty of support, in the person named as father. The notice
3208 to the putative father shall include, but not be limited to, notice that such
3209 father has the right to contest paternity, including the right to
3210 appointment of counsel, a genetic test to determine paternity and a trial
3211 by the Superior Court or a family support magistrate and that
3212 acknowledgment of paternity will make such father liable for the
3213 financial support of the child until the child's eighteenth birthday. In
3214 addition, the notice shall inform the mother and the father that DNA
3215 testing may be able to establish paternity with a high degree of accuracy
3216 and may, under certain circumstances, be available at state expense. The
3217 notices shall also explain the right to rescind the acknowledgment, as
3218 set forth in subdivision (2) of this subsection, including the address
3219 where such notice of rescission should be sent, and shall explain that the
3220 acknowledgment cannot be challenged after sixty days, except in court
3221 upon a showing of fraud, duress or material mistake of fact.

3222 (2) The mother and the acknowledged father shall have the right to
3223 rescind such affirmation or acknowledgment in writing within the
3224 earlier of (A) sixty days, or (B) the date of an agreement to support such
3225 child approved in accordance with subsection (b) of this section or an
3226 order of support for such child entered in a proceeding under subsection

3227 (c) of this section. An acknowledgment executed in accordance with
3228 subdivision (1) of this subsection may be challenged in court or before a
3229 family support magistrate after the rescission period only on the basis
3230 of fraud, duress or material mistake of fact which may include evidence
3231 that he is not the father, with the burden of proof upon the challenger.
3232 During the pendency of any such challenge, any responsibilities arising
3233 from such acknowledgment shall continue except for good cause
3234 shown.

3235 (3) All written notices, waivers, affirmations and acknowledgments
3236 required under subdivision (1) of this subsection, and rescissions
3237 authorized under subdivision (2) of this subsection, shall be on forms
3238 prescribed by the Department of Public Health, provided such
3239 acknowledgment form includes the minimum requirements specified
3240 by the Secretary of the United States Department of Health and Human
3241 Services. All acknowledgments and rescissions executed in accordance
3242 with this subsection shall be filed in the paternity registry established
3243 and maintained by the Department of Public Health under section 19a-
3244 42a.

3245 (4) An acknowledgment of paternity signed in any other state
3246 according to its procedures shall be given full faith and credit by this
3247 state.]

3248 [(b)] (a) (1) An agreement to support the child by payment of a
3249 periodic sum until the child attains the age of eighteen years or as
3250 otherwise provided in this subsection, together with provisions for
3251 reimbursement for past-due support based upon ability to pay in
3252 accordance with the provisions of section 17a-90 or 17b-81, subsection
3253 (b) of section 17b-179 or section 17b-223, 46b-129, as amended by this
3254 act, or 46b-130, and reasonable expense of prosecution of the petition,
3255 when filed with and approved by a judge of the Superior Court, or in
3256 IV-D support cases and matters brought under sections 46b-301 to 46b-
3257 425, inclusive, a family support magistrate at any time, shall have the
3258 same force and effect, retroactively or prospectively in accordance with
3259 the terms of the agreement, as an order of support entered by the court,

3260 and shall be enforceable and subject to modification in the same manner
3261 as is provided by law for orders of the court in such cases. If such child
3262 is unmarried and a full-time high school student, such support shall
3263 continue according to the parents' respective abilities to pay, if such
3264 child is in need of support, until such child completes the twelfth grade
3265 or attains the age of nineteen, whichever occurs first.

3266 (2) Past-due support in such cases shall be limited to the three years
3267 next preceding the date of the filing of such agreements to support.

3268 (3) Payments under such agreement shall be made to the petitioner,
3269 except that in IV-D support cases, as defined in subsection (b) of section
3270 46b-231, as amended by this act, payments shall be made to the Office
3271 of Child Support Services or its designated agency and distributed as
3272 required by Title IV-D of the Social Security Act. In IV-D support cases,
3273 the IV-D agency or a support enforcement agency under cooperative
3274 agreement with the IV-D agency may, upon notice to the obligor and
3275 obligee, redirect payments for the support of any child receiving child
3276 support enforcement services either to the state of Connecticut or to the
3277 present custodial party, as their interests may appear, provided neither
3278 the obligor nor the obligee objects in writing within ten business days
3279 from the mailing date of such notice. Any such notice shall be sent by
3280 first class mail to the most recent address of such obligor and obligee, as
3281 recorded in the state case registry pursuant to section 46b-218, as
3282 amended by this act, and a copy of such notice shall be filed with the
3283 court or family support magistrate if both the obligor and obligee fail to
3284 object to the redirected payments within ten business days from the
3285 mailing date of such notice.

3286 (4) Such written agreements to support shall be sworn to, and shall
3287 be binding on the person executing the same whether he is an adult or
3288 a minor.

3289 [(c)] (b) (1) At any time after the signing of any acknowledgment of
3290 [paternity] parentage, upon the application of any interested party, the
3291 court or any judge thereof or any family support magistrate in IV-D

3292 support cases and in matters brought under sections 46b-301 to 46b-425,
3293 inclusive, shall cause a summons, signed by such judge or family
3294 support magistrate, by the clerk of the court or by a commissioner of the
3295 Superior Court, to be issued, requiring the acknowledged [father]
3296 parent to appear in court at a time and place as determined by the clerk
3297 but not more than ninety days after the issuance of the summons, to
3298 show cause why the court or the family support magistrate assigned to
3299 the judicial district in IV-D support cases should not enter judgment for
3300 support of the child by payment of a periodic sum until the child attains
3301 the age of eighteen years or as otherwise provided in this subsection,
3302 together with provision for reimbursement for past-due support based
3303 upon ability to pay in accordance with the provisions of section 17a-90
3304 or 17b-81, subsection (b) of section 17b-179 or section 17b-223, 46b-129,
3305 as amended by this act, or 46b-130, a provision for health coverage of
3306 the child as required by section 46b-215, as amended by this act, and
3307 reasonable expense of the action under this subsection. If such child is
3308 unmarried and a full-time high school student such support shall
3309 continue according to the parents' respective abilities to pay, if such
3310 child is in need of support, until such child completes the twelfth grade
3311 or attains the age of nineteen, whichever occurs first.

3312 (2) Past-due support in such cases shall be limited to the three years
3313 next preceding the filing of a petition pursuant to this section. Such court
3314 or family support magistrate, in IV-D support cases, may also order the
3315 acknowledged [father] parent who is subject to a plan for
3316 reimbursement of past-due support and is not incapacitated to
3317 participate in work activities which may include, but shall not be limited
3318 to, job search, training, work experience and participation in the job
3319 training and retraining program established by the Labor
3320 Commissioner pursuant to section 31-3t.

3321 (3) Proceedings to obtain such orders of support shall be commenced
3322 by the service of such summons on the acknowledged [father] parent. A
3323 state marshal or proper officer shall make due return of process to the
3324 court not less than twenty-one days before the date assigned for hearing.

3325 (4) The prior judgment as to paternity shall be res judicata as to that
3326 issue for all paternity acknowledgments filed with the court on or after
3327 March 1, 1981, but before July 1, 1997, and shall not be reconsidered by
3328 the court unless the person seeking review of the acknowledgment
3329 petitions the superior court for the judicial district having venue for a
3330 hearing on the issue of paternity within three years of such judgment.
3331 In addition to such review, if the acknowledgment of paternity was filed
3332 prior to March 1, 1981, the acknowledgment of paternity may be
3333 reviewed by denying the allegation of paternity in response to the initial
3334 petition for support, whenever it is filed.

3335 (5) All payments under this subsection shall be made to the
3336 petitioner, except that in IV-D support cases, as defined in subsection
3337 (b) of section 46b-231, as amended by this act, payments shall be made
3338 to the state, acting by and through the IV-D agency and distributed as
3339 required by Title IV-D of the Social Security Act. In IV-D support cases,
3340 the IV-D agency or a support enforcement agency under cooperative
3341 agreement with the IV-D agency may, upon notice to the obligor and
3342 obligee, redirect payments for the support of any child receiving child
3343 support enforcement services either to the state of Connecticut or to the
3344 present custodial party, as their interests may appear, provided neither
3345 the obligor nor the obligee objects in writing within ten business days
3346 from the mailing date of such notice. Any such notice shall be sent by
3347 first class mail to the most recent address of such obligor and obligee, as
3348 recorded in the state case registry pursuant to section 46b-218, as
3349 amended by this act, and a copy of such notice shall be filed with the
3350 court or family support magistrate if both the obligor and obligee fail to
3351 object to the redirected payments within ten business days from the
3352 mailing date of such notice.

3353 [(d) Whenever a petition is filed for review of an acknowledgment of
3354 paternity of a child who is or has been supported by the state, and
3355 review of such acknowledgment of paternity is granted by the court
3356 pursuant to subsection (c) of this section, and upon review, the court or
3357 family support magistrate finds that the petitioner is not the father of
3358 the child, the Department of Social Services shall refund to the petitioner

3359 any money paid by the petitioner to the state during any period such
3360 child was supported by the state.]

3361 [(e)] (c) In IV-D support cases, as defined in subdivision (13) of
3362 subsection (b) of section 46b-231, a copy of any support order
3363 established pursuant to this section shall be provided to each party and
3364 the state case registry within fourteen days after issuance of such order
3365 or determination.

3366 Sec. 128. Section 46b-172a of the general statutes is repealed and the
3367 following is substituted in lieu thereof (*Effective January 1, 2022*):

3368 (a) Any person claiming to be the [father of a child born out of
3369 wedlock may] alleged genetic parent of a child born to an unmarried
3370 birth parent and for whom parentage of the nonbirth parent has not yet
3371 been established shall file a claim for [paternity] parentage with the
3372 Probate Court for the district in which either the [mother] birth parent
3373 or the child resides, on forms provided by such court. The claim may be
3374 filed at any time during the life of the child, whether before, on or after
3375 the date the child reaches the age of eighteen, or after the death of the
3376 child, but not later than sixty days after the date of notice under section
3377 45a-716, as amended by this act. The claim shall contain the claimant's
3378 name and address, the name and last-known address of the [mother]
3379 birth parent and the month and year of the birth or expected birth of the
3380 child. Not later than five days after the filing of a claim for [paternity]
3381 parentage, the court shall cause a certified copy of such claim to be
3382 served upon the [mother or prospective mother] birth parent of such
3383 child by personal service or service at [her] the birth parent's usual place
3384 of abode, and to the Attorney General by first class mail. The Attorney
3385 General may file an appearance and shall be and remain a party to the
3386 action if the child is receiving or has received aid or care from the state,
3387 or if the child is receiving child support enforcement services, as defined
3388 in subdivision (2) of subsection (b) of section 46b-231, as amended by
3389 this act. The claim for [paternity] parentage shall be admissible in any
3390 action for [paternity] parentage under section 46b-160, as amended by
3391 this act, and shall estop the claimant from denying [his paternity]

3392 parentage of such child and shall contain language that [he] such person
3393 acknowledges liability for contribution to the support and education of
3394 the child after the child's birth and for contribution to the
3395 pregnancy-related medical expenses of the [mother] birth parent.

3396 (b) If a claim for [paternity] parentage is filed by the [father of any
3397 minor child born out of wedlock] alleged genetic parent of any minor
3398 child born to an unmarried birth parent, the Probate Court shall
3399 schedule a hearing on such claim, send notice of the hearing to all parties
3400 involved and proceed accordingly.

3401 (c) The child shall be made a party to the action and shall be
3402 represented by a guardian ad litem appointed by the court in
3403 accordance with section 45a-708. Payment shall be made in accordance
3404 with such section from funds appropriated to the Judicial Department,
3405 except that, if funds have not been included in the budget of the Judicial
3406 Department for such purposes, such payment shall be made from the
3407 Probate Court Administration Fund.

3408 (d) In the event that the [mother or the claimant father] birth parent
3409 or the alleged genetic parent is a minor, the court shall appoint a
3410 guardian ad litem to represent him or her in accordance with the
3411 provisions of section 45a-708. Payment shall be made in accordance with
3412 said section from funds appropriated to the Judicial Department, except
3413 that, if funds have not been included in the budget of the Judicial
3414 Department for such purposes, such payment shall be made from the
3415 Probate Court Administration Fund.

3416 (e) By filing a claim under this section, the [putative father] alleged
3417 genetic parent submits to the jurisdiction of the Probate Court.

3418 (f) Once [alleged] parental rights of the [father] alleged genetic parent
3419 have been adjudicated in [his] such parent's favor under subsection (b)
3420 of this section, or acknowledged as provided for under [section 46b-172,
3421 his] sections 24 to 35, inclusive, of this act, such parent's rights and
3422 responsibilities shall be equivalent to those of the [mother] birth parent,
3423 including those rights defined under section 45a-606. Thereafter,

3424 disputes involving custody, visitation or support shall be transferred to
3425 the Superior Court under chapter 815j, except that the Probate Court
3426 may enter a temporary order for custody, visitation or support until an
3427 order is entered by the Superior Court.

3428 (g) Failing perfection of parental rights as prescribed by this section,
3429 any person claiming to be the [father of a child born out of wedlock]
3430 alleged genetic parent of a child born to an unmarried birth parent (1)
3431 who has not been adjudicated the [father] parent of such child by a court
3432 of competent jurisdiction, or (2) who has not acknowledged in writing
3433 that [he] such person is the [father] parent of such child, or (3) who has
3434 not contributed regularly to the support of such child, or (4) whose name
3435 does not appear on the birth certificate, shall cease to be a legal party in
3436 interest in any proceeding concerning the custody or welfare of the
3437 child, including, but not limited to, guardianship and adoption, unless
3438 [he] such person has shown a reasonable degree of interest, concern or
3439 responsibility for the child's welfare.

3440 (h) Notwithstanding the provisions of this section, after the death of
3441 the [father of a child born out of wedlock] alleged genetic parent of a
3442 child born to an unmarried birth parent, a party deemed by the court to
3443 have a sufficient interest may file a claim for [paternity] parentage on
3444 behalf of such [father] alleged genetic parent with the Probate Court for
3445 the district in which either the [putative father] alleged genetic parent
3446 resided or the party filing the claim resides. If a claim for [paternity]
3447 parentage is filed pursuant to this subsection, the Probate Court shall
3448 schedule a hearing on such claim, send notice of the hearing to all parties
3449 involved and proceed accordingly.

3450 Sec. 129. Section 46b-179 of the general statutes is repealed and the
3451 following is substituted in lieu thereof (*Effective January 1, 2022*):

3452 As used in sections 46b-179a to 46b-179d, inclusive, as amended by
3453 this act, foreign [paternity] parentage judgment means any judgment,
3454 decree or order of a court of any state in the United States, other than a
3455 court of this state, in an action which results in a final determination on

3456 the issue of [paternity] parentage except any such judgment, decree or
3457 order obtained by default in appearance.

3458 Sec. 130. Section 46b-179a of the general statutes is repealed and the
3459 following is substituted in lieu thereof (*Effective January 1, 2022*):

3460 (a) Support Enforcement Services of the Superior Court shall
3461 maintain a registry in the Family Support Magistrate Division of
3462 [paternity] parentage judgments from other states. Any party to an
3463 action in which a [paternity] parentage judgment from another state was
3464 rendered may register the foreign [paternity] parentage judgment in the
3465 registry maintained by Support Enforcement Services without payment
3466 of a filing fee or other cost to the party.

3467 (b) The party shall file a certified copy of the foreign [paternity]
3468 parentage judgment and a certification that such judgment is final and
3469 has not been modified, altered, amended, set aside or vacated and that
3470 the enforcement of such judgment has not been stayed or suspended.
3471 Such certificate shall set forth the full name and last-known address of
3472 the other party to the judgment.

3473 Sec. 131. Section 46b-179b of the general statutes is repealed and the
3474 following is substituted in lieu thereof (*Effective January 1, 2022*):

3475 Such foreign [paternity] parentage judgment, on the filing with the
3476 registry maintained by Support Enforcement Services, shall become a
3477 judgment of the Family Support Magistrate Division of the Superior
3478 Court and shall be enforced and otherwise treated in the same manner
3479 as a judgment of the Family Support Magistrate Division. A foreign
3480 [paternity] parentage judgment so filed shall have the same effect and
3481 may be enforced in the same manner as any like judgment of a family
3482 support magistrate of this state, provided no such judgment shall be
3483 enforced for a period of twenty days after the filing thereof.

3484 Sec. 132. Section 46b-179c of the general statutes is repealed and the
3485 following is substituted in lieu thereof (*Effective January 1, 2022*):

3486 Within five days of the filing of the judgment and certification in
3487 accordance with section 46b-179a, as amended by this act, the party
3488 filing such judgment shall notify the other party to the [paternity]
3489 parentage action of the filing of such judgment by registered mail at his
3490 last-known address or by personal service. The Family Support
3491 Magistrate Division shall not enforce any such foreign [paternity]
3492 parentage judgment until proof of service has been filed with the court.

3493 Sec. 133. Section 46b-179d of the general statutes is repealed and the
3494 following is substituted in lieu thereof (*Effective January 1, 2022*):

3495 If either party files an affidavit with the Family Support Magistrate
3496 Division that an appeal from the foreign [paternity] parentage judgment
3497 is pending in the foreign state, or will be taken, or that a stay of execution
3498 has been granted, the Family Support Magistrate Division will stay
3499 enforcement of the foreign [paternity] parentage judgment until the
3500 appeal is concluded, the time for appeal expires or the stay of execution
3501 expires or is vacated.

3502 Sec. 134. Subdivision (4) of subsection (a) of section 46b-215 of the
3503 general statutes is repealed and the following is substituted in lieu
3504 thereof (*Effective January 1, 2022*):

3505 (4) For purposes of this section, the term "child" shall include one
3506 born [out of wedlock whose father] to parents not married to each other
3507 whose alleged genetic parent has acknowledged in writing [paternity]
3508 parentage of such child or has been adjudged the [father] parent by a
3509 court of competent jurisdiction, or a child who was born before marriage
3510 whose parents afterwards intermarry.

3511 Sec. 135. Subsections (a) and (b) of section 46b-218 of the general
3512 statutes are repealed and the following is substituted in lieu thereof
3513 (*Effective January 1, 2022*):

3514 (a) For purposes of this section:

3515 (1) "Identification and location information" means current

3516 information on the location and identity of a party to any [paternity]
3517 parentage or child support proceeding, including, but not limited to, the
3518 party's Social Security number, residential and mailing addresses,
3519 telephone number, driver's license number, employer's name, address
3520 and telephone number, and such other information as may be required
3521 for the state case registry to comply with federal law and regulations;

3522 (2) ["Paternity or child support proceeding"] "Parentage or child
3523 support proceeding" means any court action or administrative process
3524 authorized by state statute in which the [paternity] parentage or support
3525 of a child is established; and

3526 (3) "State case registry" means the database included in the
3527 automated system established and maintained by the Office of Child
3528 Support Services under subsection (l) of section 17b-179 which database
3529 shall contain information on each support order established or modified
3530 in the state.

3531 (b) Each party to any [paternity] parentage or child support
3532 proceeding shall file identification and location information with the
3533 state case registry upon entry of an order and whenever such
3534 information changes.

3535 Sec. 136. Subdivision (2) of subsection (b) of section 46b-231 of the
3536 general statutes is repealed and the following is substituted in lieu
3537 thereof (*Effective January 1, 2022*):

3538 (2) "Child support enforcement services" means the services provided
3539 by the IV-D agency or an agency under cooperative or purchase of
3540 service agreement therewith pursuant to Title IV-D of the Social Security
3541 Act, including, but not limited to, location; establishment of [paternity]
3542 parentage; establishment, modification and enforcement of child and
3543 medical support orders and the collection and distribution of support
3544 payments;

3545 Sec. 137. Subparagraph (A) of subdivision (2) of subsection (m) of
3546 section 46b-231 of the general statutes is repealed and the following is

3547 substituted in lieu thereof (*Effective January 1, 2022*):

3548 (2) (A) Family support magistrates shall hear and determine matters
3549 involving child and spousal support in IV-D support cases including
3550 petitions for support brought pursuant to sections 17b-81, 17b-179, 17b-
3551 745 and 46b-215, as amended by this act, applications for show cause
3552 orders in IV-D support cases brought pursuant to subsection [(b)] (a) of
3553 section 46b-172, as amended by this act, and actions for interstate
3554 enforcement of child and spousal support and [paternity] parentage
3555 under sections 46b-301 to 46b-425, inclusive, and shall hear and
3556 determine all motions for modifications of child and spousal support in
3557 such cases.

3558 Sec. 138. Subdivision (5) of subsection (m) of section 46b-231 of the
3559 general statutes is repealed and the following is substituted in lieu
3560 thereof (*Effective January 1, 2022*):

3561 (5) [Proceedings to establish paternity in IV-D support cases shall be
3562 filed in the family support magistrate division for the judicial district
3563 where the mother or putative father resides.] Venue for proceedings to
3564 establish parentage in IV-D support cases shall be in accordance with
3565 the provisions of subsection (d) of section 9 of this act. The matter shall
3566 be heard and determined by a family support magistrate in accordance
3567 with the provisions of chapter 815y.

3568 Sec. 139. Subdivision (6) of subsection (m) of section 46b-231 of the
3569 general statutes is repealed and the following is substituted in lieu
3570 thereof (*Effective January 1, 2022*):

3571 (6) Agreements for support obtained in IV-D support cases shall be
3572 filed with the assistant clerk of the family support magistrate division
3573 for the judicial district where [the mother or the father] a parent of the
3574 child resides, pursuant to subsection [(b)] (a) of section 46b-172, as
3575 amended by this act, and shall become effective as an order upon filing
3576 with the clerk. Such support agreements shall be reviewed by a family
3577 support magistrate who shall approve or disapprove the agreement. If
3578 the support agreement filed with the clerk is disapproved by a family

3579 support magistrate, the reason for disapproval shall be stated in the
3580 record and such disapproval shall have a retroactive effect. Upon such
3581 disapproval, the clerk shall schedule a hearing for the purpose of
3582 determining appropriate support amounts and shall notify all
3583 appearing parties of the hearing date.

3584 Sec. 140. Subsection (r) of section 46b-231 of the general statutes is
3585 repealed and the following is substituted in lieu thereof (*Effective January*
3586 *1, 2022*):

3587 (r) Orders for support entered by a family support magistrate shall
3588 have the same force and effect as orders of the Superior Court, except
3589 where otherwise provided in sections 17b-81, 17b-93, 17b-179, 17b-743,
3590 17b-744, 17b-745, and 17b-746, [subsection (a) of section] 46b-55, as
3591 amended by this act, [sections] 46b-59a, 46b-86 and 46b-172, as amended
3592 by this act, this chapter, subsection (b) of section 51-348, section 52-362,
3593 subsection (a) of section 52-362d, subsection (a) of section 52-362e and
3594 subsection (c) of section 53-304, and shall be considered orders of the
3595 Superior Court for the purpose of establishing and enforcing support
3596 orders of the family support magistrate, as provided in sections 17b-81,
3597 17b-93, 17b-179, 17b-745, 52-362, 52-362d, 52-362e and 53-304, as
3598 amended by this act, except as otherwise provided in this section. All
3599 orders for support issued by family support magistrates in any matter
3600 before a magistrate shall contain an order for withholding to enforce
3601 such orders as set forth in section 52-362.

3602 Sec. 141. Subdivision (1) of subsection (u) of section 46b-231 of the
3603 general statutes is repealed and the following is substituted in lieu
3604 thereof (*Effective January 1, 2022*):

3605 (u) (1) The Department of Social Services may in IV-D cases (A) bring
3606 petitions for support orders pursuant to section 46b-215, as amended by
3607 this act, (B) obtain acknowledgments of [paternity] parentage, (C) bring
3608 applications for show cause orders pursuant to section 46b-172, as
3609 amended by this act, (D) file agreements for support with the assistant
3610 clerk of the Family Support Magistrate Division, (E) issue withholding

orders entered by the Superior Court or a family support magistrate in accordance with subsection (b) of section 52-362, and (F) upon notice to the obligor and obligee, redirect payments for the support of any child receiving child support enforcement services either to the state of Connecticut or to the present custodial party, as their interests may appear, for distribution in accordance with Title IV-D of the Social Security Act, provided neither the obligor nor the obligee objects in writing within ten business days from the mailing date of such notice, and provided further that any such notice shall be sent by first class mail to the most recent address of such obligor and obligee, as recorded in the state case registry pursuant to section 46b-218, as amended by this act, and a copy of such notice shall be filed with the court or family support magistrate if both the obligor and obligee fail to object to the redirected payments within ten business days from the mailing date of such notice.

Sec. 142. Subsection (a) of section 51-15 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(a) In accordance with the provisions of section 51-14, the judges of the Superior Court shall make such orders and rules as they deem necessary or advisable concerning the commencement of process and procedure in flowage petitions, [paternity] parentage proceedings, replevin, summary process, habeas corpus, mandamus, prohibition, ne exeat, quo warranto, forcible entry and detainer, peaceable entry and forcible detainer, for paying rewards, and for the hearing and determination of small claims, including suitable forms of procedure in such cases, exclusive of fees.

Sec. 143. Section 52-46a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

Process in civil actions returnable to the Supreme Court shall be returned to its clerk at least twenty days before the return day and, if returnable to the Superior Court, except process in summary process

3643 actions and petitions for [paternity] parentage and support, to the clerk
3644 of such court at least six days before the return day.

3645 Sec. 144. Subsection (a) of section 52-251d of the general statutes is
3646 repealed and the following is substituted in lieu thereof (*Effective January*
3647 *1, 2022*):

3648 (a) In any civil action to establish [paternity] parentage or to establish,
3649 modify or enforce child support orders in temporary family assistance
3650 cases pursuant to sections 17b-745, 46b-86, 46b-160, as amended by this
3651 act, 46b-171, as amended by this act, 46b-172, as amended by this act,
3652 46b-215, as amended by this act, and 46b-231, as amended by this act,
3653 the court may allow the state, when it is the prevailing party, a
3654 reasonable attorney's fee.

3655 Sec. 145. Subdivision (10) of subsection (a) of section 52-362f of the
3656 general statutes is repealed and the following is substituted in lieu
3657 thereof (*Effective January 1, 2022*):

3658 (10) "Support order" means any order, decree, or judgment for the
3659 support, or for the payment of arrearages on such support, of a child,
3660 spouse, or former spouse issued by a court or agency of another
3661 jurisdiction, whether interlocutory or final, whether or not
3662 prospectively or retroactively modifiable, whether incidental to a
3663 proceeding for divorce, judicial or legal separation, separate
3664 maintenance, parentage or paternity, guardianship, civil protection, or
3665 otherwise.

3666 Sec. 146. Subsection (a) of section 53-304 of the general statutes is
3667 repealed and the following is substituted in lieu thereof (*Effective January*
3668 *1, 2022*):

3669 (a) Any person who neglects or refuses to furnish reasonably
3670 necessary support to the person's spouse, child under the age of
3671 eighteen or parent under the age of sixty-five shall be deemed guilty of
3672 nonsupport and shall be imprisoned not more than one year, unless the
3673 person shows to the court before which the trial is had that, owing to

3674 physical incapacity or other good cause, the person is unable to furnish
3675 such support. The court may suspend the execution of any community
3676 correctional center sentence imposed, upon any terms or conditions that
3677 it deems just, may suspend the execution of the balance of any such
3678 sentence in a like manner, and, in addition to any other sentence or in
3679 lieu thereof, may order that the person convicted shall pay to the
3680 Commissioner of Administrative Services directly or through Support
3681 Enforcement Services of the Superior Court, such support, in such
3682 amount as the court may find commensurate with the necessities of the
3683 case and the ability of such person, for such period as the court shall
3684 determine. Any such order of support may, at any time thereafter, be set
3685 aside or altered by the court for cause shown. Failure of any defendant
3686 to make any payment may be punished as contempt of court and, in
3687 addition thereto or in lieu thereof, the court may order the issuance of a
3688 wage withholding in the same manner as is provided in section 17b-745,
3689 which withholding order shall have the same precedence as is provided
3690 in section 52-362. The amounts withheld under such withholding order
3691 shall be remitted to the Department of Administrative Services by the
3692 person or corporation to whom the withholding order is presented at
3693 such intervals as such withholding order directs. [For the purposes of
3694 this section, "child" includes one born out of wedlock whose father has
3695 acknowledged in writing his paternity of such child or has been
3696 adjudged the father by a court of competent jurisdiction.]

3697 Sec. 147. Section 45a-777 of the general statutes is repealed and the
3698 following is substituted in lieu thereof (*Effective January 1, 2022*):

3699 (a) A child born as a result of [A.I.D.] assisted reproduction, as
3700 defined in section 2 of this act, may inherit the estate of [his mother and
3701 her consenting spouse or their relatives as though he were the natural
3702 child of the mother and consenting spouse and he shall not inherit the
3703 estate from his natural father or his relatives] such child's legal parents
3704 and the relatives of such legal parents.

3705 (b) The [mother and her consenting husband or their relatives] legal
3706 parents and the relatives of such legal parents may inherit the estate of

3707 a child born as a result of [A.I.D.] assisted reproduction, if the child dies
 3708 intestate, [, and the natural father or his relatives shall not inherit from
 3709 him.]

3710 Sec. 148. Section 45a-779 of the general statutes is repealed and the
 3711 following is substituted in lieu thereof (*Effective January 1, 2022*):

3712 Nothing in [sections 45a-771 to 45a-779, inclusive,] section 45a-777, as
 3713 amended by this act, or 45a-778 or this section shall be construed as a
 3714 change or modification of the rights or status of children born before
 3715 October 1, 1975, but shall be construed as a clarification and codification
 3716 of the rights and status which the children had on said date.

3717 Sec. 149. Sections 45a-771 to 45a-776, inclusive, 46b-166 and 46b-167
 3718 of the general statutes are repealed. (*Effective January 1, 2022*)

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>January 1, 2022</i>	New section
Sec. 2	<i>January 1, 2022</i>	New section
Sec. 3	<i>January 1, 2022</i>	New section
Sec. 4	<i>January 1, 2022</i>	New section
Sec. 5	<i>January 1, 2022</i>	New section
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The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill adopts the Uniform Parentage Act and does not result in a fiscal impact to the state or municipalities.

House "A" makes technical and clarifying changes that do not result in a fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 6321 (as amended by House "A")*****AN ACT CONCERNING ADOPTION AND IMPLEMENTATION OF
THE CONNECTICUT PARENTAGE ACT.**

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Authorizes DPH to develop an acknowledgment of parentage form, release information to certain individuals and entities, and develop implementing regulations

§§ 36 & 37 — ADJUDICATING PRESUMPTIVE PARENTAGE

Establishes (1) the conditions under which someone may be presumed a child's parent, (2) that acknowledgment of parentage is evidence of the presumption, and (3) the means by which someone may overcome the presumption in a judicial proceeding

§§ 38 & 39 — ADJUDICATING DE FACTO PARENTAGE

Creates a court process for someone who claims to be a de facto parent to be adjudicated as such; establishes the qualifying criteria and the evidence necessary to support the claim

§§ 40-50 — ADJUDICATING GENETIC PARENTAGE

Establishes requirements for genetic testing in proceedings to adjudicate genetic parentage, whether the person voluntarily submits to testing or is tested under a court or a child support agency order; provides for challenging results and testing lab reporting

§§ 51-59 — CONSENT TO INTENDED PARENTAGE

Establishes a process for an intended parent to consent to parentage for a child, other than for a child conceived by sexual intercourse or assisted reproduction under a surrogacy agreement

§§ 60-77 — PARENTAGE THROUGH SURROGACY

Provides for the adjudication of parentage under gestational and genetic surrogate agreements for children born through assisted reproduction, including requirements for the execution, termination, and enforcement of any such agreement

§§ 2 & 78-83 — COLLECTION OF GAMETES AND DISCLOSURE OF INFORMATION ON OR AFTER JANUARY 1, 2022

Establishes requirements pertaining to donated gametes collected on or after January 1, 2022, including the collection and disclosure of donor's information and gamete banks and fertility clinics record retention

§§ 3 & 84-86 — MISCELLANEOUS PROVISIONS

Specifies that it (1) does not change the equitable powers of the courts or parental rights or duties; (2) has retroactive effect only on cases without judgment before January 1, 2022; (3) should be applied and construed in a manner to promote uniformity of law; and (4) does not affect certain federal laws related to disclosures and court notice

§§ 103, 104, 117 & 124 — CHANGES TO UNRELATED PROVISIONS

Makes changes, made necessary by the CPA, to certain provisions on a nonmarital child's inheritance, temporary custody hearings, and DSS exceptions for someone to refuse to cooperate with parentage determination

§§ 87-148 — CONFORMING CHANGES AND GENDER-SPECIFIC AND OTHER TERMINOLOGY CHANGES

Makes conforming changes throughout the statutes by removing certain gender-specific references and other changes in statutes that address things such as (a) birth certificates; (b) human services, social services, and public health protocols and systems; (c) probate court matters; and (d) family relations matters

§ 149 — REPEALER

Repeals statutes that address a putative father's paternity case, the doctrine that a child born in wedlock is legitimate, and other provisions related to children conceived through artificial insemination

SUMMARY

This bill adopts the Uniform Parentage Act (UPA), which may be

cited as the Connecticut Parentage Act (CPA) (§§ 1-86). The bill generally:

1. provides for equal treatment under the law for children born to same-sex couples by, among other things, removing certain gender-specific references (e.g., changing “maternity” and “paternity” to “parentage”);
2. expands recognition of non-biological parents by (a) making marital or “hold-out” presumptions gender neutral and (b) establishing de facto parentage (i.e., the court adjudicates a person to be a parent under certain circumstances);
3. provides guidance on adjudicating parentage and adjudicating competing claims of parentage (e.g., creates best interest of the child factors that the court must consider);
4. provides the process for establishing acknowledged parentage through an acknowledgment agreement;
5. provides for adjudicating genetic parentage and updates the rules governing children born under a surrogacy agreement; and
6. establishes a procedure to enable children conceived through assisted reproduction to access medical and identifying information about any gamete donors.

The bill also makes conforming changes throughout the statutes addressing things such as (1) birth certificates; (2) human services, social services, and public health protocols and systems; (3) probate court matters; and (4) family relations matters (§§ 87-149).

*House Amendment “A” (1) eliminates the town welfare administrator’s authority in the underlying bill to maintain proceedings to adjudicate parentage (§ 6); (2) clarifies that rescission of an acknowledgment of parentage must be filed before the earlier of 60 days after the acknowledgment’s effective date or the date of the first hearing (§ 30); (3) establishes that attestation under a valid acknowledgment of

parentage fully satisfies the requirements for presumption of parentage (§ 36); (4) generally allows, rather than requires, the court or the Department of Social Services' (DSS) Office of Child Support Services to order additional genetic testing if the party contesting the initial test requests it (§ 47); and (5) makes minor and conforming changes.

EFFECTIVE DATE: January 1, 2022, except the provisions on adjudicating de facto parentage (§§ 38-39) are effective July 1, 2022.

§§ 4-16 — ADJUDICATING PARENTAGE

Establishes the court process to adjudicate parentage, including the necessary petitions; accompanying affidavits for children on public assistance; parties' standing and notice; and court jurisdiction, venue, access, timeline, fees, records, and parentage order

The bill requires the court, when determining parentage, to apply Connecticut law, regardless of the child's place of birth or past or present residence. It also specifies that there is no right to a jury trial in an action to adjudicate parentage.

Under the bill, an "adjudicated parent" is a person who has been adjudicated to be a parent of a child by a court of competent jurisdiction (§ 2).

Petitions (§ 5)

Under the bill, petitions to adjudicate parentage must generally be filed in the Superior Court's Family Division. However, the following petitions must be filed in the probate court:

1. petitions by an alleged genetic parent seeking to establish the alleged genetic parent's parentage (see § 48),
2. petitions to determine parentage after the death of the child or the person whose parentage is to be determined,
3. petitions for certain parentage orders under the CPA involving assisted reproduction or gestational surrogacy, and
4. petitions to validate a genetic surrogacy agreement under CPA.

Additionally, petitions by the Department of Social Services (DSS) Office of Child Support Services (i.e., the Title IV-D agency) in (1) support cases involving public assistance recipients (i.e., IV-D cases) and (2) petitions brought under the Uniform Interstate Family Support Act, must be filed with the clerk for the Family Support Magistrate Division.

Affidavit in IV-D Cases (§ 5)

If the IV-D agency files the petition, the petition must be accompanied by an affidavit of the parent whose rights have been assigned. If the assignor refuses to provide an affidavit, the IV-D agency may submit the affidavit, however the affidavit alone cannot support a default judgment on the issue of parentage.

Standing (§§ 6 & 11)

Under the bill, a proceeding to adjudicate parentage may be maintained by:

1. a child age 18 or older or, if the child is a minor, through the child's representative;
2. the person who gave birth to the child, including stillbirth, unless a court has adjudicated that the person is not a parent;
3. a person who is a parent of the child under the CPA (i.e., a parent who has established a parent-child relationship; see § 19);
4. a person looking to be adjudicated a parent under the CPA;
5. DSS;
6. the Department of Children and Families (DCF);
7. a person the court deems to have a sufficient interest to file a claim for parentage on a deceased parent's behalf; or
8. a representative authorized under state law, excluding the CPA, to act for a person who otherwise would be entitled to maintain

a proceeding but is deceased, incapacitated, or a minor.

A minor child is a permissive, but not a necessary, party to a proceeding under the CPA, except for certain proceedings in the Superior Court such as neglect and abuse cases.

Time Limit (§ 5)

A petition filed in the Superior Court or Family Support Magistrate Court to adjudicate parentage may be brought any time before the child turns age 18. However, liability for child support must be limited to the three years before the petition filing date.

Notice in Superior Court and Probate Court (§ 7)

The bill requires that notice of a proceeding to adjudicate parentage be given, by the petitioner for proceedings in the Superior Court and by the court for proceedings in the probate court, to the following people:

1. the person who gave birth to the child, unless a court has adjudicated that person is not a parent;
2. a presumed (§§ 36-37), acknowledged (§§ 24-35), or adjudicated (§§ 4-16) parent of the child;
3. a person whose parentage of the child is to be adjudicated;
4. a representative authorized by state law to act for a person who otherwise would be entitled to maintain a proceeding but is deceased, incapacitated, or a minor;
5. the fiduciary of an estate of deceased persons otherwise entitled to notice;
6. in proceedings involving a public assistance recipient, the Attorney General, who must be and remain a party to any parentage proceeding and to any proceedings after judgment in the action; and
7. the DCF commissioner, in proceedings involving a child for

whom a petition related to abuse and neglect has been filed and who is under DCF's care and custody or guardianship.

Under the bill, a person entitled to this notice has a right to intervene in the proceeding. Failure to provide the required notice must not render a judgment void or preclude a person entitled to notice from bringing a proceeding under the CPA.

Court Jurisdiction and Venue (§§ 8 & 9)

Under the bill, a court may adjudicate a person's parentage of a child only if it has personal jurisdiction over that person. A Connecticut court with jurisdiction to adjudicate parentage may exercise personal jurisdiction over a nonresident or the person's guardian or conservator consistent with Connecticut laws.

Generally, the venue for a proceeding to adjudicate parentage is in the judicial district (1) where the child resides or (2) if the child is not a Connecticut resident, where the petitioner or respondent resides.

However, the petitions filed in probate court must be filed in the probate district:

1. where the child or birth parent resides, for petitions by an alleged genetic parent seeking to establish parentage;
2. where the child, petitioner, or person whose parentage is to be determined resides or resided at the time of death, for petitions to determine parentage after the death of the child or the person whose parentage is to be determined; and
3. where the child or a party to the proceeding resides, for petitions for certain parentage orders under the CPA involving assisted reproduction or gestational surrogacy or petitions to validate a genetic surrogacy agreement.

Additionally, in IV-D cases, the petition must be filed in the Family Support Magistrate Division serving the judicial district where the

parent who gave birth or the alleged parent resides.

Temporary Child Support Orders (§ 10)

In a proceeding under the CPA, a court may issue a temporary order for child support if the order is consistent with state law, other than the CPA, and the person ordered to pay support is:

1. the child's presumed parent;
2. petitioning to be adjudicated a parent;
3. identified as a genetic parent through genetic testing;
4. an alleged genetic parent who has declined to submit to genetic testing;
5. shown by clear and convincing evidence to be the child's parent;
or
6. a parent under the CPA.

A temporary order may include custody and visitation provisions under state law other than the CPA.

Court Access, Records, Dismissal, and Fees (§§ 12-14)

Superior Court – Family Relations. For proceedings in the Superior Court on family relations matters, there must be a presumption that courtroom proceedings are open to the public and documents filed with the court are available to the public. In family relations cases, the Connecticut Practice Book governs courtroom closure, the sealing of files, and limited disclosure of documents.

Juvenile Court. For proceedings in Juvenile Court, access to records is governed by existing law on confidentiality of juvenile records.

Probate Court. Members of the public may observe probate court proceedings and may view court records, unless otherwise provided by law or directed by the court.

Order Dismissal. The court may dismiss a proceeding under the CPA for want of prosecution only without prejudice. An order of dismissal for want of prosecution purportedly with prejudice is void and has only the effect of a dismissal without prejudice.

Fees. Generally, the court may assess filing fees, reasonable attorney's fees, fees for genetic testing, other costs and necessary travel, and other reasonable expenses incurred in a proceeding under the CPA. Attorney's fees awarded may be paid directly to the attorney, and the attorney may enforce the order in the attorney's own name.

However, the court may not assess fees, costs, or expenses against a child support agency in this state or another state, except as provided by existing law other than the CPA.

Medical Bills. In a proceeding under the CPA, a copy of a bill for genetic testing or prenatal or postnatal health care for the person who gave birth to the child or for the child, which is provided to the adverse party not later than 10 days before the date of a hearing, is admissible to establish (1) the amount of the charge billed and (2) that the charge is reasonable and necessary.

Order Adjudicating Parentage (§§ 14-16)

Binding Order. An order adjudicating parentage must identify the child in a manner provided by state law other than the CPA. A party to an adjudication of parentage by a court with jurisdiction under existing law and the CPA, and any person who received notice of the proceeding, is bound by the adjudication.

Divorce, Annulment, and Legal Separation. In a proceeding for dissolution of marriage, annulment, or legal separation, the court is deemed to have made an adjudication of a child's parentage if the court has jurisdiction under applicable state laws, including the CPA. Additionally, the final order must (1) expressly identify the child as a "child of the marriage" or "issue of the marriage" or include similar words indicating that both spouses are parents of the child or (2)

provide for child support by a spouse unless that spouse's parentage is disclaimed specifically in the order.

Child's Name Change. Upon the request of a party and for good cause, the court in a proceeding under the CPA may order the child's name to be changed. If the order varies the child's name from the name on the child's birth certificate, the court must order the Department of Public Health (DPH) to issue an amended birth certificate.

Affirmative Defense. A determination of parentage may be asserted as a defense in a subsequent proceeding seeking to adjudicate parentage of a person who was not a party to the earlier proceeding.

§§ 16 & 17 — CHALLENGING THE ADJUDICATION OF PARENTAGE

Provides the processes for challenging adjudicated parentage depending on whether a party had standing or received required notice

Under the bill, a party to an adjudication of parentage may challenge the adjudication only under state law (other than provisions of the CPA) relating to appeal, opening or setting aside judgments, or other judicial review.

Person Was Party to the Adjudication or Received Notice

If a child has an adjudicated parent, a proceeding to challenge the adjudication, brought by a person who was a party to the adjudication or received notice, is governed by the Connecticut Practice Book and other statutory provisions on the opening or setting aside of judgments.

Person Has Standing but Was Not a Party nor Received Notice

If a child has an adjudicated parent, a proceeding to challenge the adjudication of parentage brought by a person, other than the child, who has standing and was not a party to the adjudication and did not receive notice, must abide by the following rules:

1. The person must start the proceeding within two years after the adjudication's effective date, unless the person did not know and could not reasonably have known of his or her potential parentage due to a material misrepresentation or concealment, in

which case the proceeding must begin within one year after discovering the potential parentage.

2. The court may allow the proceeding only if it finds doing so is in the best interest of the child.
3. If the court allows the proceeding, the court must adjudicate parentage based on certain factors, such as best interest of the child (see § 23).

§ 18 — GOVERNING LAW

Generally applies state law to proceedings under the CPA

A proceeding under the CPA is subject to state laws (other than the bill) on the health, safety, privacy, and liberty of a child or other person who could be affected by the disclosure of identifying information.

§§ 19-23 — PARENT-CHILD RELATIONSHIP

Establishes specific criteria to determine if a parent-child relationship exist and applies them to relationships regardless of the parent's marital status or gender or the circumstances of the child's birth

Establishing the Parent-Child Relationship (§ 19)

Under the bill, a parent-child relationship is established between a person and a child if the person:

1. gave birth to the child, except as otherwise provided in cases involving surrogacy;
2. is the child's presumed parent because the child was born during the marriage or within 300 days after the marriage ended, unless the presumption is overcome in a judicial proceeding;
3. is the child's presumed parent because the person, with another person, openly held out the child to be their own for at least 2 years, and the person is adjudicated a parent of the child or acknowledges parentage;
4. is adjudicated a de facto parent of the child;

5. is adjudicated a parent of the child through genetic testing;
6. adopts the child;
7. acknowledges parentage of the child, unless the acknowledgment is rescinded or successfully challenged;
8. established parentage through consent to assisted reproduction;
9. established parentage under a surrogacy agreement; or
10. has been adjudicated a parent by the court as it relates to divorce, annulment, legal separation, or support cases.

Applicability (§§ 20-22)

Under the bill, a parent-child relationship extends equally to every child and parent, regardless of the parent's marital status or gender or the circumstances of the child's birth. Unless parental rights are terminated, a parent-child relationship established under the CPA applies for all purposes.

To the extent practicable, any provision of the bill applicable to a father-child or mother-child relationship must apply to any parent-child relationship, regardless of the parent's gender.

§ 23 — COMPETING CLAIMS OF PARENTAGE

Creates (1) best interest of the child factors that the court must consider in resolving claims of parentage by two or more individuals and (2) additional factors in cases involving genetic testing

Best Interest of the Child Factors

Except as provided in the bill, in a proceeding to adjudicate competing claims of parentage of a child by two or more persons, the court must adjudicate parentage in the child's best interest, based on the following factors:

1. the child's age;
2. the length of time during which each person assumed the role of

- the child's parent;
3. the nature of the relationship between the child and each person;
 4. the harm to the child if the relationship between the child and each person is not recognized;
 5. the basis for each person's claim to the child's parentage;
 6. other equitable factors arising from the disruption of the relationship between the child and each person, or the likelihood of other harm to the child; and
 7. any other factor the court deems relevant to the child's best interests.

Additional Factors in Cases Involving Genetic Testing

If a person challenges parentage based on the results of genetic testing, in addition to the factors listed above, the court also must consider:

1. the facts surrounding the discovery that the person might not be the child's genetic parent and
2. the length of time between the (a) time the person received notice that he or she might not be a genetic parent and (b) start of the proceeding.

Finding of Detriment to the Child

The court may adjudicate a child to have more than two parents if it finds that failure to recognize more than two parents would be detrimental to the child. A finding of detriment to the child does not require a finding of unfitness of any parent or person seeking an adjudication of parentage.

In determining detriment to the child, the court must consider all relevant factors, including the harm if the child is removed from a stable placement with a person who has (1) fulfilled the child's physical and

psychological needs for care and affection and (2) assumed the role for a substantial period.

Child Support Guidelines

If a court has adjudicated a child to have more than two parents, state law (other than the CPA) applies to determinations of legal and physical custody of, or visitation with, the child, and to child support obligations. The child support guidelines established under existing law must not apply until they have been revised to address the circumstances when a child has more than two parents. Until such revision is effective, a court must consider the child support guidelines and the criteria for awards established under certain existing laws when making or modifying child support orders.

§§ 24-32 — ACKNOWLEDGMENT OF PARENTAGE

Creates a process by which a person who has established a parent-child relationship may become the child's parent through a signed acknowledgment of parentage

Acknowledged Parent (§ 2)

Under the bill, an “acknowledged parent” is a person who has established a parent-child relationship through an acknowledgement agreement.

Signed Record (§§ 24 & 25)

A person who gave birth to a child and an alleged genetic parent of the child, a presumed parent (see § 36), or an intended parent (i.e., a person with intent to be legally bound as a parent of a child conceived by assisted reproduction, see §§ 51-59) may sign an acknowledgment of parentage to establish the child's parentage.

Witnessed Statement. The acknowledgment must be in a record signed by the person who gave birth to the child and by the person seeking to establish a parent-child relationship, and the signatures must be attested by a notary or witnessed. The acknowledgement must state that:

1. the child whose parentage is being acknowledged must not have

another acknowledged or adjudicated parent or person who is a parent of the child through assisted reproduction other than the person who gave birth to the child;

2. the child whose parentage is being acknowledged must not, at the time of signing, have a birth certificate identifying as a parent a person other than the person who gave birth to the child or the person acknowledging parentage;
3. no action is pending in which the child's parentage is at issue, unless all parties to the action agree to establishing the signatory's parentage pursuant to the acknowledgment; and
4. the signatories understand that the acknowledgment is the equivalent of an adjudication of the child's parentage and that a challenge to the acknowledgment is permitted only under limited circumstances.

Oral and Written Notice. Under the bill, an acknowledgment of parentage is not binding unless, prior to the signing, the signatories are given oral and written notice of the alternatives to, the legal consequences of, and the rights and responsibilities that arise from signing the acknowledgment. The notice must explain the following:

1. the right to rescind the acknowledgment (§ 30), including the address where a rescission notice should be sent;
2. that the acknowledgment cannot be challenged after 60 days, except in court or before a family support magistrate upon a showing of fraud, duress, or material mistake of fact;
3. that the acknowledgment may result in custody and visitation rights for the acknowledged parent, as well as a financial support duty from the acknowledged parent;
4. that, if the person acknowledging parentage is acknowledging that they are the child's genetic parent, genetic testing is available to establish parentage with a high degree of accuracy and, under

certain circumstances, at state expense; and

5. if either person is not certain of the child's genetic parentage as it pertains to the acknowledgment of parentage, neither person should sign the form.

Content. The notice to the person acknowledging parentage also must include notice that (1) the person will be liable for the child's financial and medical support at least until the child's 18th birthday and (2) if the person acknowledging parentage is acknowledging that they are the child's genetic parent, that person has the right to contest parentage.

Void. An acknowledgment of parentage is void if, at the time of signing:

1. a person, other than the person who gave birth to the child or the person seeking to establish parentage, is an acknowledged or adjudicated parent or a parent through assisted reproduction;
2. the child whose parentage is being acknowledged has a birth certificate identifying as a parent a person other than the person who gave birth to the child or the person acknowledging parentage; or
3. an action is pending in which the child's parentage is at issue, unless all parties to the action agree to establish the signatory's parentage under the acknowledgment.

Acknowledgement Protocols and Effect (§§ 26-32)

Timing. An acknowledgment of parentage (1) may be signed before or after the child's birth, except that an acknowledgment signed by a presumed parent may be signed only after the presumption is satisfied and (2) takes effect on the birth of the child or filing of the document with DPH, whichever occurs later. Additionally, an acknowledgement of parentage signed by a minor is valid if it complies with the CPA.

Legal Effect. Generally, an acknowledgment of parentage that is filed with DPH is equivalent to an adjudication of the child's parentage by the Superior Court and confers on the acknowledged parent all parental rights and duties. The bill prohibits DPH from charging a fee for this filing.

A court conducting a judicial proceeding or an administrative agency conducting an administrative proceeding is not required or permitted to ratify an unchallenged acknowledgment of parentage.

Rescission. A signatory may rescind an acknowledgment of parentage by filing a rescission with DPH in a signed record that is attested by a notary or witnessed. The signatory must file a rescission before the earlier of (1) 60 days after the acknowledgment's effective date or (2) the date of the first hearing before a court in a proceeding, to which the signatory is a party, to adjudicate an issue relating to the child, including one that establishes support.

If an acknowledgment of parentage is rescinded, DPH must notify the person who gave birth to the child of this rescission. Failure to give the required notice does not affect the rescission's validity.

Fraud, Duress, or Material Mistake of Fact. After the period for rescission expires, an acknowledgment of parentage may be challenged only on the basis of fraud, duress, or material mistake of fact. In cases in which the acknowledgment has been signed by the birth parent and an alleged genetic parent, a material mistake of fact may include evidence that the alleged genetic parent is not the genetic parent. A party challenging an acknowledgment of parentage has the burden of proof.

Court Proceedings. Every signatory to an acknowledgment of parentage is a party to a proceeding to challenge the acknowledgment. By signing an acknowledgment of parentage, a signatory submits to personal jurisdiction in Connecticut in a proceeding to challenge the acknowledgment, effective on the date the acknowledgment is filed with DPH. While the challenge is pending, any responsibilities arising from the acknowledgment must continue except for good cause shown.

Set Aside Acknowledgement. If the court or family support magistrate determines that the challenger has met the burden of proof to support a finding of fraud, duress, or material mistake of fact, the acknowledgment of parentage must be set aside, but only if the court or magistrate determines that doing so is in the child's best interest, based on the relevant factors described above (see § 23).

Amended Birth Certificate. If the court or family support magistrate sets aside the acknowledgment, then the court or magistrate must order DPH to amend the child's birth record to reflect the child's legal parentage.

Support Refund in IV-D Cases. In cases involving a child who is or has been supported by the state, whenever the court or family support magistrate finds that the person challenging the acknowledgment of parentage is not a parent because the person has met the burden of proof, DSS must refund any money the person paid to the state during any period the state supported the child.

Full Faith and Credit (§ 32)

The bill requires the state to give full faith and credit to an acknowledgment of parentage effective in another state if the acknowledgment was in a signed record and otherwise complies with the other state's law.

§§ 33-35 — DPH AUTHORITY AND RESPONSIBILITIES

Authorizes DPH to develop an acknowledgment of parentage form, release information to certain individuals and entities, and develop implementing regulations

Acknowledgement of Parentage Form (§ 33)

Under the bill, DPH must prescribe forms for an acknowledgment of parentage. The forms must (1) include the minimum requirements specified by the U.S. Department of Health and Human Services secretary and (2) comply with the CPA. Executed acknowledgments and rescissions must be filed in DPH's parentage registry established under existing law.

Information Release (§ 34)

Under the bill, DPH may release information relating to an acknowledgment of parentage to a signatory, the child if he or she is at least age 18, a guardian of the person whose parentage is acknowledged, an attorney representing a person to whom the information may be released, a court, a federal agency, an authorized representative of DSS, the state child support agency, any agency acting under a cooperative or purchase of service agreement with Connecticut's child support agency, and another state's child support agency.

Implementing Regulations (§ 35)

The bill authorizes the DPH commissioner to adopt regulations to implement these acknowledgement of parentage provisions (§§ 24-34).

§§ 36 & 37 — ADJUDICATING PRESUMPTIVE PARENTAGE

Establishes (1) the conditions under which someone may be presumed a child's parent, (2) that acknowledgment of parentage is evidence of the presumption, and (3) the means by which someone may overcome the presumption in a judicial proceeding

Presumed Parent (§ 2)

Under the bill, a "presumed parent" is a person who is presumed to be a parent of a child, unless the presumption is overcome in a judicial proceeding (see below).

Conditions for Presumed Parentage (§ 36)

Generally, a person is presumed to be a child's parent under three scenarios, as follows:

1. if the person and the person who gave birth to the child are married to each other and the child is born during the marriage, whether the marriage is or could be declared invalid;
2. if the person and the person who gave birth to the child were married to each other and the child is born within 300 days after the date on which the marriage is terminated by death, dissolution, or annulment, or after a separation decree; or
3. the person and another parent jointly resided in the same household with the child and openly held out the child as the

person's own child for at least two years from the time the child was born or adopted, including any period of temporary absence.

For the third scenario, the presumed parent's parentage must be established by a court adjudication or signing of a valid acknowledgment of parentage under the bill (i.e., determination of parentage).

Acknowledgment Satisfies Presumption. For presumed parents who establish parentage by signing a valid acknowledgment of parentage under the CPA, the attestations provided in the acknowledgment fully satisfy the requirements of the presumption, and no additional evidence is required.

Overcoming the Presumption. A presumption of parentage may be overcome only by court order, and competing claims to parentage must be resolved considering the child's best interest (see § 23).

Probate Court's Jurisdiction. The probate court has jurisdiction over the presumed parent's parentage determination in certain probate court matters (e.g., the child's best interest, guardianship, custody, removal of parent, appointment of counsel, and DCF investigations) if notice is given to the presumed parent and there has not been a determination of parentage.

Juvenile Court's Jurisdiction. In a proceeding pending in juvenile court regarding a child for whom certain petitions have been filed (e.g., commitment, neglect or abuse, temporary custody, permanency plan review, and guardianship), a presumed parent in the third scenario above, identified as such by an existing parent or by the child and not having a parentage determination, must be given notice of the proceeding but must not be treated as a parent until the determination. The juvenile court in which the petition is pending has jurisdiction over the person's parentage determination, and DCF has standing to request the determination.

Presumptive Parentage Adjudication Proceeding (§ 37)

Timing. A proceeding to determine whether a presumed parent is a parent of a child may begin (1) before the child reaches age 18 or (2) after the child reaches age 18, but only if the child initiates the proceeding.

Overcoming Presumption After Child Turns Two. A presumption of parentage cannot be overcome after the child reaches age two unless the court determines the:

1. presumed parent is not a genetic parent, never resided with the child, and never held out the child as his or her child;
2. child has more than one presumed parent; or
3. alleged genetic parent did not know of the child's potential genetic parentage and could not reasonably have known because of material misrepresentation or concealment, and the alleged genetic parent starts a proceeding to challenge a presumption of parentage within one year after the date of discovering the potential genetic parentage.

If the person is adjudicated to be the child's genetic parent, the court may not disestablish a presumed parent.

Person Who Gave Birth Claims Parentage. Under the bill, the following rules apply in a proceeding to adjudicate a presumed parent's parentage of a child if the person who gave birth to the child is the only other person with a claim to parentage of the child:

1. If no party to the proceeding challenges the presumed parent's parentage of the child, the court must adjudicate the presumed parent to be a parent of the child.
2. If the presumed parent is identified as a genetic parent of the child and that identification is not successfully challenged, the court must adjudicate the presumed parent to be a parent of the child.
3. If the presumed parent is not identified as a genetic parent of the

child and the presumed parent or the person who gave birth to the child challenges the presumed parent's parentage of the child, the court must adjudicate the parentage of the child based on the child's best interest (see § 23).

Additional Person Claims Parentage. In a proceeding to adjudicate a presumed parent's parentage of a child, if another person in addition to the person who gave birth to the child asserts a parentage claim, the court must adjudicate parentage based on the child's best interest (see § 23).

Challenging Presumed Parentage in Hold-Out Cases (§ 37)

A presumption of parentage where the person, jointly with another parent, openly held out the child as his or her own (see § 36(a)(3)) can be challenged if the other parent did so due to duress, coercion, or threat of harm.

Evidence of duress, coercion, or threat of harm may include:

1. whether, within the 10-year period before the proceeding, the presumed parent (a) was convicted of domestic assault, sexual assault, sexual exploitation of the child or the child's parent, or a family violence crime; (b) is or has been subject to a protection order; (c) committed child abuse or abused the child's parent; or (d) was substantiated for abuse against the child or a parent of the child;
2. a sworn affidavit from a domestic violence counselor or sexual assault counselor who received a confidentiality waiver; or
3. other credible evidence of abuse.

§§ 38 & 39 — ADJUDICATING DE FACTO PARENTAGE

Creates a court process for someone who claims to be a de facto parent to be adjudicated as such; establishes the qualifying criteria and the evidence necessary to support the claim

Qualifying Criteria (§ 38)

In a proceeding to adjudicate parentage of a person who claims to be

a de facto parent of the child, if there is only one other person who is a parent or has a claim to the child's parentage, the court must adjudicate the person claiming de facto parentage to be a parent of the child if the person demonstrates the following by clear and convincing evidence:

1. the person resided with the child as a regular member of the child's household for at least one year, unless the court finds good cause to accept a shorter period of household residence;
2. the person engaged in consistent caretaking of the child, which may include regularly caring for the child's needs and making day-to-day decisions regarding the child individually or with another legal parent;
3. the person undertook full and permanent parental responsibilities without expectation of financial compensation;
4. the person held out the child as his or her child;
5. the person established a bonded and dependent relationship with the child that is parental in nature;
6. another parent of the child fostered or supported the bonded and dependent relationship; and
7. continuing the relationship between the person and the child is in the child's best interest.

Contesting Claims About Fostering and Supporting a Relationship (§ 38)

A child's parent may use evidence of duress, coercion, or threat of harm to contest an allegation that he or she fostered or supported a bonded and dependent relationship. Evidence may include the same types of evidence needed to challenge a presumption of parentage in a hold-out case (see § 37).

In a proceeding to adjudicate parentage of a person who claims to be a de facto parent of the child, if there is more than one other person who

is a parent or has a claim to the child's parentage and the court determines that the requirements are satisfied, the court must adjudicate parentage based on the child's best interest (see § 23). However, the adjudication of a person as a de facto parent must not disestablish the parentage of any other parent, nor limit any other parent's rights under state law.

De Facto Parentage Adjudication Proceeding (§ 39)

Person Filing the Petition. A proceeding to establish de facto parentage of a child may be started only by a person who (1) is alive when the proceeding begins and (2) claims to be a de facto parent of the child.

Petition and Affidavit. A person seeking to be adjudicated a de facto parent of a child must file a petition with the court before the child reaches age 18. The child must be alive at the time of the filing. The petition must include a verified affidavit alleging facts to support the existence of a de facto parent relationship with the child. The petition and affidavit must be served on the child's parents and legal guardians and any other party to the proceeding.

Pleading. In response to the petition, an adverse party, parent, or legal guardian may file a pleading and verified affidavit that must be served on all parties to the proceeding.

Hearing to Dispute Standing. The court must determine on the basis of the pleadings and affidavits whether the person seeking to be adjudicated a de facto parent has presented prima facie evidence of the criteria for de facto parentage. The court, in its sole discretion, may hold a hearing to determine disputed facts that are necessary and material to the issue of standing.

Interfering With Pending Litigation. If the child for whom the person is seeking to be adjudicated a de facto parent has two parents at the time the petition is filed and there is litigation pending between the parents regarding custody or visitation with respect to the child, a

parent may use evidence that the de facto parent action is being brought to interfere improperly in the pending litigation in order to show that allowing the action to proceed would not be in the child's best interests. In which case, the court may dismiss the petition without prejudice.

Interim Order. The court may enter an interim order concerning contact between the child and a person with standing seeking adjudication as a de facto parent of the child.

§§ 40-50 — ADJUDICATING GENETIC PARENTAGE

Establishes requirements for genetic testing in proceedings to adjudicate genetic parentage, whether the person voluntarily submits to testing or is tested under a court or a child support agency order; provides for challenging results and testing lab reporting

Applicability (§ 41)

The bill establishes requirements for genetic testing in proceedings to adjudicate parentage, whether the person voluntarily submits to testing or is tested under a court or a child support agency order (§§ 41-50). It prohibits genetic testing from being used to (1) challenge the parentage of a person who is a parent due to assisted reproduction (see §§ 51-77) or (2) establish the parentage of a person who is a donor.

Under the bill, "genetic testing" means an analysis of genetic markers to identify or exclude a genetic relationship (§ 2).

Ordering Genetic Testing (§ 42)

Court of Family Support Magistrate. Except as provided in the provisions establishing the genetic testing requirements, in any proceeding under the CPA to adjudicate parentage, the court or a family support magistrate must order the child and any other person to submit to genetic testing if a request for testing is supported by a party's sworn statement. The sworn statement must (1) allege a reasonable possibility that the person is the child's genetic parent or (2) deny genetic parentage of the child.

Child Support Agency. A child support agency must require genetic testing only if there is no presumed, acknowledged, or adjudicated parent of a child other than the person who gave birth to the child.

In-Utero Genetic Testing. The court, a family support magistrate, or child support agency are prohibited from ordering in-utero genetic testing.

Concurrent or Sequential Testing. If two or more persons are subject to court-ordered genetic testing, the court may order that testing be completed concurrently or sequentially.

Person Unavailable or Unwilling to Test. If the person whose genetic parentage is being determined is unavailable or declines to submit to genetic testing, the court may order genetic testing of the child and each person whose genetic parentage is being adjudicated. Genetic testing of the person who gave birth to a child is not a prerequisite for testing the child or others.

A default judgment may be ordered against a person who refuses to submit to court-mandated genetic testing under the CPA and the existing law, as amended by the bill, that allows a default judgment against nonresident alleged parents.

Presumed and De Facto Parents. In a proceeding to adjudicate the parentage of a child having a presumed parent or a person who claims to be a de facto parent, the court may deny a motion for genetic testing of the child and any other person after considering the child's best interest and additional factors used when parentage is challenged based on genetic testing (see § 23(a) & (b)).

If a person requesting genetic testing is barred under the CPA from establishing his or her parentage, the court must deny the request for genetic testing.

Types of Genetic Testing (§§ 40 & 43)

Genetic testing must be of a type reasonably relied on by experts in the field of genetic testing and performed in a testing laboratory accredited by (1) the AABB, formerly known as the American Association of Blood Banks, or its successor, or (2) an accrediting body designated by the U.S. HHS secretary.

Frequencies Database. Based on the ethnic or racial group of the person undergoing genetic testing, a testing laboratory must determine the databases from which to select frequencies for use in calculating a relationship index. Under the bill, for the purpose of genetic testing, “ethnic or racial group” means a recognized group that a person identifies as his or her ancestry or part of the ancestry or that is identified by other information (§ 40). A “relationship index” is a likelihood ratio that compares the probability of a genetic marker given a hypothesized genetic relationship and the probability of the genetic marker given a genetic relationship between the child and a random person of the ethnic or racial group used in the hypothesized genetic relationship. A “hypothesized genetic relationship” means an asserted genetic relationship between a person and a child (§ 40).

Objection to Laboratory Choice. The bill establishes rules that apply if a person or a child support agency objects to the laboratory’s choice of databases. For example, within 30 days after the date the test report is received, the objecting person or child support agency may request the court to require the laboratory to recalculate the relationship index using an ethnic or racial group different from that used by the laboratory.

Testing Laboratory Reporting (§ 44)

A genetic testing report must be in a record and signed under penalty of perjury by a designee of the testing laboratory. A report complying with the bill’s genetic testing requirements is self-authenticating.

Documentation from a testing laboratory of the following information is sufficient to establish a reliable chain of custody and allow the test results to be admissible without testimony:

1. name and photograph of each person whose specimen has been taken,
2. name of the person who collected each specimen,
3. place and date each specimen was collected,

4. name of the person who received each specimen in the testing laboratory, and
5. date each specimen was received.

Test Results and Challenges to the Results (§ 45)

A person is identified under the bill as a genetic parent of a child if genetic testing complies with the bill and the results of the testing show (1) that the person has at least a 99% probability of parentage, using a prior probability of 0.50, as calculated by using the combined relationship index obtained in the testing; and (2) a combined relationship index of at least 101. A “combined relationship index” means the product of all tested relationship indices (§ 40).

A person identified as the child’s genetic parent may challenge the results only by other genetic testing satisfying the bill’s requirements.

If more than one person other than the person who gave birth is identified by genetic testing as a possible genetic parent of the child, the court must order each person to submit to further genetic testing to identify a genetic parent.

Assessment of Testing Cost (§ 46)

As is the case under current law for genetic testing to determine paternity, the cost of the initial genetic testing to determine genetic parentage under the bill must be charged to (1) the party who filed the motion or (2) the state, if the court finds that the person is low-income based on the state’s child support guidelines or is otherwise indigent and unable to pay the costs.

Contesting Genetic Test Result (§ 47)

The court or the DSS Office of Child Support Services may require additional genetic testing if a person who contests the initial test result requests it. However, if the initial genetic test identified a person as the child’s genetic parent, the court or agency must not require additional testing unless the contesting person pays for it in advance.

Adjudicating an Alleged Genetic Parent to be a Parent (§ 48)

The bill establishes conditions under which the court must adjudicate an alleged genetic parent to be a parent of the child in certain proceedings. Under the bill, in a proceeding to determine whether an alleged genetic parent (who is not a presumed parent) is a parent of a child and the person who gave birth to the child is the only other person with a claim to the child's parentage, the court must adjudicate the alleged genetic parent to be the child's parent if he or she, among other things:

1. is identified under the bill's test result standard (as described in § 45 above) as a genetic parent and the identification is not successfully challenged;
2. admits parentage in a pleading and the court accepts the admission; or
3. is neither identified nor excluded as a genetic parent by genetic testing, but based on other evidence, the court determines him or her to be the child's parent.

In a proceeding involving an alleged genetic parent where at least one other person in addition to the person who gave birth to the child has a claim the child's parentage, the court must adjudicate parentage in the child's best interest, subject to the limitations established in the bill's provisions on parent-child relationship (see § 23).

In a proceeding involving an alleged genetic parent where another person other than the person who gave birth is a parent of the child, the alleged genetic parent can seek a determination that he or she is the child's parent on the basis of a parent-child relationship under the CPA, in addition to the existing parents. An adjudication of parentage under these circumstances does not disestablish the other parent's parentage.

Penalty for Unauthorized Release of Genetic Testing Reports (§ 49)

Under the bill, a genetic testing report's release is controlled by state

law other than the CPA. A person who intentionally releases an identifiable specimen of another person collected for genetic testing under the bill for a purpose not relevant to a parentage proceeding, without a court order or written permission of the person who furnished the specimen, is subject to a fine of up to \$200, up to six months in prison, or both.

Genetic Testing Report as Evidence (§ 50)

Except as provided under the bill, the court must admit a court-ordered genetic testing report as evidence of the truth of the facts asserted in the report. But a report's admissibility is not affected by whether the testing was performed (1) voluntarily or under a court or child support agency's order or (2) before, on, or after the proceeding's commencement.

A party may object to a court-ordered genetic testing report's admission within 14 days after receiving the report and must cite the specific grounds for the objection. The party may also call a genetic-testing expert to testify. Unless the court orders otherwise, the party offering the testimony must pay for the expert testifying.

§§ 51-59 — CONSENT TO INTENDED PARENTAGE

Establishes a process for an intended parent to consent to parentage for a child, other than for a child conceived by sexual intercourse or assisted reproduction under a surrogacy agreement

Applicability (§ 51)

The following provisions (§§ 51-59) do not apply to the birth of a child conceived by sexual intercourse or assisted reproduction under a surrogacy agreement.

Donor (§§ 2 & 52)

A donor is not a parent of a child conceived by assisted reproduction by virtue of the donor's genetic connection. Also, a donor may not establish parentage by signing an acknowledgment of parentage.

Under the bill, a "donor" is a person who provides gametes or embryos intended for use in assisted reproduction. A donor does not

include (1) a person who gives birth to a child conceived by assisted reproduction, except those based on a surrogacy agreement under the CPA, or an intended parent under such agreement or (2) a parent established through consent to assisted reproduction by another person.

Consent Record (§§ 53, 54 & 57)

A person who consents to assisted reproduction by another person with the intent to be a parent of a child conceived by the assisted reproduction is a parent of the child.

Signed Record. This consent must generally be in a record signed by (1) a person giving birth to a child conceived by assisted reproduction and (2) a person who intends to be a parent of the child. However, if the parties fail to consent in a record before, on, or after the date of birth of the child, this must not preclude the court from finding consent to parentage if the parties prove by clear and convincing evidence the existence of an agreement that they intended they both would be parents of the child.

Consent Withdrawal. A person may withdraw consent at any time before a transfer that results in a pregnancy. The person must give notice in a record of the consent withdrawal to (1) the person who agreed to give birth to a child conceived by assisted reproduction and (2) any clinic or health care provider facilitating the assisted reproduction. Failure to give notice to the clinic or health care provider does not affect a determination of parentage under the CPA. A person who withdraws consent is not a parent of the child.

Spouse's Dispute of Parentage of a Child Born by Assisted Reproduction (§ 55)

These provisions apply to a spouse's dispute of parentage even if the spouse's marriage is declared invalid after assisted reproduction occurs.

Standing. Someone who, at the time of a child's birth, is the spouse of the person who gave birth to the child by assisted reproduction may not challenge the parentage of the person who gave birth to the child unless (1) within two years after the child's birth, the spouse commences

a proceeding to adjudicate his or her parentage of the child and (2) the court finds the spouse did not consent to the assisted reproduction, before, on, or after the child's birth date or withdrew the consent.

Proceeding. A proceeding to adjudicate a spouse's parentage of a child born by assisted reproduction may begin at any time if the court determines the following:

1. the spouse neither provided a gamete for, nor consented to, the assisted reproduction;
2. the spouse and the person who gave birth to the child have not cohabited since the probable time of assisted reproduction; and
3. the spouse never openly held out the child as the spouse's child.

Former Spouse's Parentage of a Child Born by Assisted Reproduction (§ 56)

In a case involving divorce, annulment, or legal separation occurring before the transfer of gametes or embryos to the person giving birth, a former spouse of the person giving birth is not a parent of the child unless the former spouse (1) consented in a record that he or she would be a parent of the child if assisted reproduction were to occur after a dissolution of marriage, annulment, or legal separation, and (2) did not withdraw consent.

Death of the Intended Parent (§ 58)

If a person who intends to be a parent of a child conceived by assisted reproduction dies during the period between the transfer of a gamete or embryo and the child's birth (i.e., the gestational period), the person's death does not preclude the establishment of the person's parentage if the person would otherwise be the child's parent under the CPA.

If the death occurs before the transfer of the gamete or embryo, the deceased person is a parent of a child conceived by the assisted reproduction only if it is specified in a written document and the embryo is in utero within one year after the date of the person's death.

The written document must satisfy the following conditions:

1. specifically state that the person's gametes may be used for posthumous conception;
2. specifically provide the person who agreed to give birth with the authority to exercise custody, control, and use of the gametes should the person die; and
3. be signed and dated by the person and the person who agreed to give birth.

Declaration of Intended Parentage (§ 59)

A party consenting to assisted reproduction, a parent (under §§ 53-55), an intended parent or parents, or the person giving birth may commence a proceeding to obtain an order:

1. declaring that the intended parent or parents are the parent or parents of the resulting child immediately upon birth of the child and ordering that parental rights and responsibilities vest exclusively in the intended parent or parents immediately upon the child's birth and
2. designating the contents of the birth certificate and directing DPH to designate the intended parent or parents as the parent or parents of the resulting child.

The bill allows the proceeding to begin before or after the child's birth date; however, an order issued before the child's birth does not take effect unless and until his or her birth. Neither the state nor DPH is a necessary party to the proceeding.

Additionally, the bill specifies that the above provisions do not limit the court's authority to issue other orders under any other provision in state law.

§§ 60-77 — PARENTAGE THROUGH SURROGACY

Provides for the adjudication of parentage under gestational and genetic surrogate agreements for children born through assisted reproduction, including requirements for the execution, termination, and enforcement of any such agreement

Surrogacy Agreement (§§ 60-62)

Under the bill, a “surrogacy agreement” is an agreement between one or more intended parents and a person who is not an intended parent in which (1) that person agrees to become pregnant through assisted reproduction and (2) each intended parent is a parent of a child conceived under the agreement. Unless the context requires otherwise, surrogacy agreement includes an agreement with a gestational surrogate (i.e., the person uses another person’s gametes) and an agreement with a genetic surrogate (i.e., the person uses their own gametes).

Requirements. To execute an agreement to act as a gestational or genetic surrogate, a person must:

1. be at least age 21 and have previously given birth at least once;
2. complete a medical evaluation by a licensed physician and a mental health evaluation by a licensed mental health professional;
3. have independent legal representation of the surrogate’s choice throughout the surrogacy agreement regarding the agreement’s terms and potential legal consequences; and
4. have or obtain a health insurance policy or other coverage for major medical treatment and hospitalization that extends throughout the duration of the expected pregnancy and for eight weeks after the resulting child’s birth.

Each intended parent must be at least age 21, complete a mental health evaluation by a licensed mental health professional, and have independent legal representation throughout the surrogacy agreement.

Execution. The bill lays out the requirements to execute a surrogacy agreement, including that all the requirements above must be met and

that it is in writing, signed by each party, witnessed by two people, and notarized. Among other requirements, at least one party must be a Connecticut resident. Also, if an intended parent is married, the intended parent's spouse must also be an intended parent and a party to the agreement unless the intended parent and the spouse are legally separated. The parties must have independent legal representation throughout the surrogacy agreement and the intended parent or parents must pay for independent legal representation of the surrogate and any spouse.

Under the bill, the agreement must be executed before any medical procedures occur. If the surrogate is to be compensated, the bill requires the compensation to be escrowed before any medical procedure (other than the medical and mental health evaluations) starts.

Terms and Conditions of a Surrogacy Agreement (§§ 63-65)

The bill requires that the surrogacy agreement comply with the following terms and conditions:

1. the surrogate agrees to attempt to become pregnant by means of assisted reproduction;
2. the surrogate, and spouse or former spouse, have no claim to parentage of a child conceived by assisted reproduction under the surrogacy agreement (except in certain cases under §§ 70, 74 & 75 involving adjudication under gestational or genetic surrogacy agreements or through court-ordered genetic-testing);
3. the intended parent or parents, each one jointly and separately, immediately upon the child's birth generally are the exclusive parent or parents of the resulting child and must assume his or her financial support, regardless of the gender, mental or physical condition, or number of children born (except in certain cases under §§ 68, 71, 74 & 75 involving adjudication under gestational or genetic surrogacy agreements or through court-ordered genetic-testing);

4. the surrogacy agreement must provide for payment by the intended parent or parents of reasonable legal, medical and ancillary expenses, including for health and life insurance premiums and all uncovered medical expenses, among other things;
5. the intended parent or parents are liable for the surrogacy-related expenses of the surrogate;
6. the surrogacy agreement must not infringe on the surrogate's rights to make all their health and welfare decisions; and
7. the agreement must inform each party about the right to terminate the surrogacy agreement (see below).

Compensation. A surrogacy agreement may reasonably compensate the surrogate.

Non-Assignable Rights. A right created under a surrogacy agreement is not assignable and there is no third-party beneficiary of the agreement other than the resulting child.

Marriage, Divorce, Annulment and Legal Separation After the Agreement (§§ 64 & 65)

Unless a surrogacy agreement expressly says otherwise, the:

1. marriage of any party after the surrogacy agreement is signed does not affect its validity, the spouse's consent is not required, and the spouse is not a presumed parent of the child; and
2. divorce, annulment, and legal separation of any party after the surrogacy agreement has been signed by all parties must not affect the validity of the surrogacy agreement and the intended parents are the parents of the child.

Termination of a Surrogacy Agreement (§§ 66 & 67)

During the period after the surrogacy agreement is executed until the

earlier of its termination or 90 days after the resulting child's birth, a court with a case under the CPA has exclusive, continuing jurisdiction over all matters arising out of the agreement, except in child custody or support proceedings where jurisdiction is not otherwise authorized by state law other than the CPA.

Surrogacy Agreement With a Gestational Surrogate (§§ 60 & 67-71)

Gestational Surrogate. Under the bill, a “gestational surrogate” is a person who is not an intended parent and who agrees to become pregnant through assisted reproduction using gametes that are not that person's own, under a gestational surrogacy agreement (i.e., a surrogacy agreement with a gestational surrogate).

Termination. A party to a gestational surrogacy agreement may terminate the agreement, at any time before an embryo transfer, by giving notice of termination in a record to all other parties. If an embryo transfer does not result in a pregnancy, a party may terminate the agreement at any time before a subsequent embryo transfer. However, no party may terminate the agreement after an embryo transfer but prior to a pregnancy test at a time to be determined by a qualified healthcare provider.

If a gestational surrogacy agreement is terminated, unless it states otherwise, each intended parent is responsible for expenses (1) reimbursable under the agreement and (2) incurred by the gestational surrogate through the agreement's termination. Unless the case involves fraud, a gestational surrogate and spouse or former spouse are not liable to the intended parents for a penalty, including incurred costs.

Parentage Under Gestational Surrogacy. Generally, upon the birth of a child conceived by assisted reproduction under a gestational surrogacy agreement, each intended parent is, by operation of law, a parent of the resulting child. The gestational surrogate or spouse or former spouse is not a parent of the resulting child.

If the child is alleged to be the gestational surrogate's genetic child,

the court must, upon finding sufficient evidence, order genetic testing of the child. If the child is the gestational surrogate's genetic child, parentage must be determined in accordance with the adjudication of parentage provisions described above. Regarding gestational surrogacy, the bill also provides for scenarios involving certain laboratory and clinical errors that result in the resulting child not being genetically related to the intended parents or the donor. In such case, the bill makes the intended parents the resulting child's parents.

Death of Intended Parent. These provisions apply even if the intended parent died during the period between the transfer of a gamete or embryo and the resulting child's birth. But a deceased intended parent is not the parent unless (1) posthumous conception is specifically authorized in a written document and (2) the embryo is in utero within one year after the intended parent's death.

Proceeding for a Judgment. With some exceptions, the bill allows a party to a gestational surrogacy agreement to initiate a proceeding for a judgment of parentage of a child conceived in accordance with the agreement at any time after the agreement's execution.

Under the bill, the petition for a judgment of parentage must be submitted under penalty of false statement and include (1) certification from the parties' attorneys representing that the surrogacy requirements have been met and (2) a statement from each party that he or she entered the agreement knowingly and voluntarily.

Upon a finding that the petition satisfies the requirements above for initiating these proceedings, the court must issue a judgment declaring the (1) child's intended parent and ordering that parental rights, duties, and custody vest immediately on the child's birth exclusively in any intended parent and (2) gestational surrogate and spouse or former spouse are not the child's parents. The bill deems that this order satisfies existing law's birth certificate requirements.

Enforcement and Remedies. A gestational surrogacy agreement that complies with the CPA is enforceable. If the gestational surrogacy

agreement does not comply with the CPA the court must determine the rights and duties of the parties to the agreement, considering evidence of the parties' intent at the time of the agreement's execution. Each party to the agreement and their spouse has standing to maintain a proceeding to adjudicate an issue related to its enforcement.

A gestational surrogacy agreement that complies with the CPA's applicable sections is enforceable. However, if the agreement is breached by a gestational surrogate or one or more intended parents, the nonbreaching party is entitled to the remedies available at law or in equity. Under certain circumstances, specific performance is a remedy for an intended parent determined to be the resulting child's parent.

Genetic Surrogate Agreement (§§ 60, 72-77 & 99)

Genetic Surrogate. Under the bill, a "genetic surrogate" means a person who is not an intended parent and who agrees to become pregnant through assisted reproduction using that person's own gamete, under a genetic surrogacy agreement.

Probate Court Validation. A genetic surrogacy agreement must generally be validated by a probate court and the proceeding must begin before the assisted reproduction related to the surrogacy agreement. The court must validate a genetic surrogacy agreement if it finds that (1) the requirements for surrogacy agreements are satisfied and (2) all parties entered the agreement voluntarily and understand its terms. The probate court cost to validate a genetic surrogacy agreement is \$225 (§ 99).

A person who terminates a genetic surrogacy agreement must notify the court or be subject to unspecified sanctions. Upon receipt of the notice, the court must vacate any order it issued validating the agreement.

Termination of a Genetic Surrogacy Agreement. A party may terminate a genetic surrogacy agreement at any time before a gamete or embryo transfer by giving notice of termination in a record to all other

parties. If a gamete or embryo transfer does not result in a pregnancy, a party may terminate the agreement at any time before a subsequent gamete or embryo transfer. However, no party may terminate the agreement after a gamete or embryo transfer but prior to a pregnancy test at a time to be determined by a qualified healthcare provider. The notice of termination must be witnessed or notarized. Termination notices must also be filed by the intended parent with the court when the genetic surrogate agreement terminates after the court has validated the agreement but before the surrogate becomes pregnant by assisted reproduction means.

The parties are released from all obligations under the agreement when it terminates, except for allowed expenses. Unless the agreement provides otherwise, the person acting as surrogate is not entitled to any compensation paid for serving as a surrogate, except for surrogacy-related expenses.

Unless the case involves fraud, a genetic surrogate, or spouse or former spouse, is not liable to the intended parent or parents for a penalty or liquidated damages, for terminating a genetic surrogacy agreement.

Parentage Under a Genetic Surrogacy Agreement. Upon the birth of a child conceived by assisted reproduction under a court validated genetic surrogacy agreement, each intended parent is, by operation of law, a parent of the resulting child.

The intended parent or parents must file a notice with the court that a child has been born as a result of assisted reproduction. Upon receiving the notice, the court must, issue an order as soon as practicable, without notice and hearing, that:

1. declares (a) any intended parent is a parent of the resulting child and that parental rights and duties vest exclusively in any intended parent or parents and (b) the intended parents have responsibility for the child's maintenance and support upon the child's birth;

2. declares genetic surrogates and their spouse or former spouse are not parents of the resulting child;
3. designates the contents of the certificate of birth; and
4. if necessary, orders that the child be surrendered to the intended parent or parents.

If a child born to a genetic surrogate is alleged not to have been conceived by assisted reproduction, the court may order genetic testing to determine the child's genetic parentage, in accordance with the adjudication of parentage provisions described above.

Enforcement and Remedies. A genetic surrogacy agreement, whether or not in a record, that is not validated under the probate validation provision (§ 72) is enforceable only to the extent provided under the bill's provisions on the validity of such agreements and the remedies available at law or in equity for breach (§§ 75 & 77).

If a genetic surrogacy agreement is breached by a genetic surrogate or one or more intended parents, the nonbreaching party is entitled to the remedies available at law or in equity. Under certain circumstances, specific performance is a remedy for an intended parent under an agreement breached by the genetic surrogate and another intended parent.

Proceeding for a Judgment. If all parties agree, a court may validate a genetic surrogacy agreement after assisted reproduction has occurred but before the child's birth if, upon examination of the parties, the court finds that (1) the requirements for surrogacy agreements have been satisfied and (2) all parties entered into the agreement voluntarily and understand its terms.

A person who terminates a genetic surrogacy agreement must file notice of the termination with the court, but that person may not terminate a validated genetic surrogacy agreement if a gamete or embryo transfer has resulted in a pregnancy. On receipt of the notice,

the court must vacate the order validating the agreement. A person who is required to notify the court of the termination of the agreement must be subject to unspecified sanctions.

The genetic surrogate is not automatically a parent when the resulting child is conceived and born under a non-validated genetic surrogacy agreement. In this case, the court must adjudicate parentage of the child based on the child's best interest (§ 23) and the parties' intent at the time of the agreement's execution.

The parties to a genetic surrogacy agreement have standing to maintain a proceeding to adjudicate parentage.

Intended Parent's Death. Generally, upon the birth of a child conceived by assisted reproduction under a genetic surrogacy agreement, each intended parent is, by operation of law, a parent of the child whether the surviving parent is the genetic parent or not, regardless of whether the intended parent died during the period between the transfer of a gamete or embryo and the child's birth.

These provisions apply even if the intended parent died during the period between the transfer of a gamete or embryo and the birth of the resulting child. But the intended parent is not the parent if he or she dies before the transfer of the gamete or embryo, unless (1) posthumous conception is specified in a written document and (2) the embryo is in utero within one year after the person's death.

§§ 2 & 78-83 — COLLECTION OF GAMETES AND DISCLOSURE OF INFORMATION ON OR AFTER JANUARY 1, 2022

Establishes requirements pertaining to donated gametes collected on or after January 1, 2022, including the collection and disclosure of donor's information and gamete banks and fertility clinics record retention

Applicability (§ 79)

The bill specifies that the following provisions (§§ 78-83) apply only to gametes collected on or after January 1, 2022. They do not apply to gametes collected from a donor whose identity is known to the recipient at the time of the donation. A "gamete" is a sperm or egg and includes

any part of a sperm or egg (§ 2).

Donor (§ 2)

Under the bill, a “donor” is a person who provides gametes or embryos intended for use in assisted reproduction. Donors do not include a:

1. person who gives birth to a child conceived by assisted reproduction based on a surrogacy agreement, or an intended parent under such agreement, or
2. parent established through consent to assisted reproduction by another person.

Information Collection and Disclosure Declaration (§§ 80 & 81)

Information Collection and Disclosure. The bill requires a gamete bank or fertility clinic operating in Connecticut to (1) collect identifying information and medical history from a donor at the time of the donation and (2) disclose the collected information upon request of a resulting child who is age 18 or older.

Gametes From Another Bank or Fertilization Clinic. A gamete bank or fertility clinic operating in the state that receives a donor’s gametes collected by another gamete bank or fertility clinic, must collect the name, address, telephone number, and email address of the gamete bank or fertility clinic from which it receives the gametes.

Gametes From a Donor. A gamete bank or fertility clinic operating in the state that collects gametes from a donor must (1) provide the donor with information in a record about the donor’s choice regarding identity disclosure and (2) obtain a declaration from the donor regarding identity disclosure.

Donor’s Disclosure Declaration. A gamete bank or fertility clinic operating in Connecticut must give a donor the choice to sign a declaration, witnessed and notarized, that either states that the donor (1) agrees to disclose his or her identity to a child conceived by assisted

reproduction with the donor's gametes upon request once the child reaches age 18 or (2) states that the donor must not presently agree to disclose the donor's identity to the child.

A gamete bank or fertility clinic operating in the state must allow a donor who has signed a declaration to withdraw the declaration at any time by signing a declaration not presently agreeing to the disclosure.

Disclosure of a Donor's Information Upon the Request of an Adult Child or a Minor Child's Parent or Guardian (§§ 78, 82 & 83)

Donor's Identifying Information. Upon the request of a child conceived by assisted reproduction who is age 18 or older, a gamete bank or fertility clinic operating in Connecticut that collected the gametes used in the assisted reproduction must make a good faith effort to provide the child with identifying information of the gamete's donor, unless the donor signed and did not withdraw a declaration not agreeing to the disclosure. If the donor signed and did not withdraw such declaration, the gamete bank or fertility clinic must make a good faith effort to notify the donor, who may elect to withdraw the declaration. Under the bill, "identifying information" means the donor's full name; date of birth; and permanent and, if different, current address at the time of the donation.

Donor's Medical History. Upon the request of a child conceived by assisted reproduction who is age 18 or older, or, if the child is a minor, by his or her parent or guardian, a gamete bank or fertility clinic operating in the state that collected the gametes used in the assisted reproduction must make a good faith effort to provide the child or a minor child's parent or guardian access to the donor's nonidentifying medical history. "Medical history" means information regarding the donor's past or present illness and the social, genetic, and family history pertaining to the donor's health.

Other Bank or Fertility Clinic Information. Upon the request of a child conceived by assisted reproduction who is age 18 or older, a gamete bank or fertility clinic operating in this state that received the

gametes used in the assisted reproduction from another gamete bank or fertility clinic must disclose the name, address, telephone number and email address of the gamete bank or fertility clinic from which it received the gametes.

Records Retention and Reporting Requirements. A gamete bank or fertility clinic operating in Connecticut that collects gametes for use in assisted reproduction must maintain identifying information and medical history about each gamete donor. The gamete bank or fertility clinic must maintain records of gamete screening and testing and comply with federal and state reporting requirements, other than the CPA.

A gamete bank or fertility clinic operating in Connecticut that receives gametes from another gamete bank or fertility clinic operating in Connecticut must maintain the name, address, telephone number, and email address of the gamete bank or fertility clinic from which it received the gametes.

§§ 3 & 84-86 — MISCELLANEOUS PROVISIONS

Specifies that it (1) does not change the equitable powers of the courts or parental rights or duties; (2) has retroactive effect only on cases without judgment before January 1, 2022; (3) should be applied and construed in a manner to promote uniformity of law; and (4) does not affect certain federal laws related to disclosures and court notice

The bill specifies that:

1. it does not create, affect, enlarge, or diminish the equitable powers of the Connecticut's courts or parental rights or duties under state law other than this bill (§ 3);
2. it applies retroactively to proceedings in which a person's parentage has not been adjudicated or determined by operation of law and no judgment has been rendered before January 1, 2022 (§ 86);
3. in applying and construing its provisions, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it (§ 84); and

4. its provisions generally do not modify, limit, or supersede provisions related to consumer disclosures and court notices under the federal Electronic Signatures in Global and National Commerce Act (§ 85).

§§ 103, 104, 117 & 124 — CHANGES TO UNRELATED PROVISIONS

Makes changes, made necessary by the CPA, to certain provisions on a nonmarital child's inheritance, temporary custody hearings, and DSS exceptions for someone to refuse to cooperate with parentage determination

Nonmarital Child's Inheritance (§§ 103 & 104)

Under the bill, a child and his or her legal representatives must qualify for inheritance from or through the parent if parentage is established in accordance with the CPA or by adoption. If parentage is based on presumed parentage (§ 36(a)(3)) or genetic parentage (§§ 40-50), parentage must be established by a voluntary acknowledgment (§§ 24-35) or court adjudication. Under current law, a child born out of wedlock and his or her legal representatives must qualify for inheritance from or through the father if the father's paternity (1) was established by a written acknowledgment of paternity or (2) has been adjudicated by a court of competent jurisdiction.

The bill makes a similar change to current law that applies to a father or his kindred qualifying for inheritance from a child born out of wedlock.

Temporary Custody Hearing (§ 117)

Existing law requires a preliminary hearing for the court to carry out certain functions, including identifying anyone related to the child or youth residing in Connecticut who might serve as licensed foster parents or temporary custodians. Under existing law, the person may be related to the child by blood or marriage. The bill also adds persons related to the child by law.

Exceptions for Refusing to Cooperate With Determining an IV-D Child's Parentage (§ 124)

Existing law requires the DSS commissioner to adopt regulations to establish criteria to determine good cause or other exceptions for a

person to refuse to cooperate with genetic testing to determine paternity, considering the child's best interest. The bill updates terminology to conform with the CPA. Additionally, under the bill the DSS commissioner's criteria must apply to establish good cause or other exceptions for unmarried parents of a child who is a public assistance recipient to refuse to cooperate with requirements to determine the alleged genetic parent as established by the CPA.

§§ 87-148 — CONFORMING CHANGES AND GENDER-SPECIFIC AND OTHER TERMINOLOGY CHANGES

Makes conforming changes throughout the statutes by removing certain gender-specific references and other changes in statutes that address things such as (a) birth certificates; (b) human services, social services, and public health protocols and systems; (c) probate court matters; and (d) family relations matters

The bill makes conforming changes, including by replacing terms the CPA makes obsolete. It does so in statutes affecting:

1. municipal registrars of vital statistics (e.g., birth certificates);
2. standing to participate in a DCF reunification hearing;
3. social services (e.g., child support enforcement);
4. public health (e.g., amendment of birth certificates and disclosure of paternity to IV-D agency);
5. probate court and procedures (e.g., regional children courts, paternity determinations, and inheritance issues);
6. family relations matters (e.g., divorce, annulment, legal separation, custody, paternity, and support);
7. process in certain civil actions (e.g., paternity, support, costs and fees related to wills and trusts);
8. post judgment procedures (e.g., child support withholding); and
9. criminal nonsupport.

The bill eliminates provisions under current law that address

acknowledgement of paternity (§ 46b-172) and correspondingly replaces internal references to that section with the sections of the CPA that address acknowledgment of parentage (§§ 24-35). The bill similarly removes current provisions that apply to proceedings to establish paternity of a child born or conceived out of lawful wedlock (§ 46b-160) and genetic testing for paternity (§ 46b-168) and replaces them with references to the applicable sections of the CPA. Additionally, the bill repeals a provision of current law that provides for the establishment of paternity in certain cases in which the child is found to not be an issue of the marriage (§ 112).

The bill provides for the scenario where there may be more than two parents by removing words such as “both” or “either” under current law in reference to parents. It also provides for equal treatment under the law for children born to same-sex couples and to married or unmarried parents by, among other things, removing certain gender-specific references (e.g., “maternity” and “paternity”) and other terms (e.g., “legitimate child” and “illegitimate child”).

§ 149 — REPEALER

Repeals statutes that address a putative father’s paternity case, the doctrine that a child born in wedlock is legitimate, and other provisions related to children conceived through artificial insemination

The bill also repeals laws addressing (1) a putative father’s testimony and evidence of good character in paternity cases; (2) the doctrine that a child born in wedlock is legitimate, including a child conceived through artificial insemination; and (3) other provisions that apply to children conceived through artificial insemination, including confidentiality, probate court filings, rights of sperm or egg donors, determining the jurisdiction of the child’s birth, and the child’s inheritance.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 36 Nay 0 (03/29/2021)